

Wolverhampton City Council

OPEN INFORMATION ITEM**Audit Committee**Date **17 DECEMBER 2012**Originating Service Group(s) **DELIVERY**

Contact Officer(s)/	KEITH IRELAND	SUE DAVIES
Telephone Number(s)	4500	4056

Title/Subject Matter **HR IMPROVEMENT PLAN**

Summary

1. Progress on the HR Improvement Plan is reported regularly to Performance Governance Support Services Scrutiny Panel (most recently 6 September and 30 October). Highlight reports are updated monthly for the Corporate Programme Office, the most up to date highlight report is attached at **Appendix 1**.
2. Members of the Audit Committee are asked to note that a report was submitted to Resources Panel on 27 November attached at **Appendix 2** and that the following Phase 1 HR policies were approved at this meeting:

- Management of Attendance
- Discipline
- Grievance
- Bullying & Harassment
- Appraisal

The implementation plan for these policies has been developed, and Phase 2 policies are now in draft for consideration.

Policy implementation will be phased in February and April 2013.

3. Legal Implications

There are no direct legal implications arising from this report.
[MW/03122012/Y]

4. Financial Implications

The cost of progressing the HR Improvement Plan will be met from within existing budgets.
[GE/03122012/H]

5. **Equality Implications**

The recommendations contained in this report have no direct equality implications; however, the review and development of some of the policies and procedures featured will improve equality across the workforce.

Highlight Report : *HR Work Programme v0.3*

Reporting Period : *November 2012*

Report Author: *Mike Costello*

Programme/Project Objective	<i>A programme of tactical projects designed to improve the effectiveness of the business and realise substantial savings.</i>				
Title of Programme Workstream	HR Lead	RAG status Last period	RAG status This period	Action Required	Comments
1. HR Strategy To develop a revised HR Strategy for Wolverhampton City Council.	Sue Davies	G	G	none	HR Management Team to develop strategy in consultation with SEB and CDB to ensure it meets business requirements.
2. HR Policy Framework Modernised policy framework aligned to corporate objectives and meeting business requirements.	Sarah Bidwell	G	G	none	HR Policy Framework will set out how the new HR Service will support the business in achieving corporate objectives. Phase 1 policies reported to Cabinet Resources Panel for approval 27.11.12. Implementation plan drafted for discussion with CDB and SEB. Phase 2 policies in draft.
3. HR Business Processes To overhaul and streamline the HR processes to ensure HR is a facilitator of business success and not a policing establishment or control function.	Denise Pearce	G	G	none	(HR processes)
4. HR Service Desk To provide first line advice, triage or referral to HR teams. To develop performance standards for the HR Service Desk.	Jackie Troth	G	G	none	Phased implementation of Service Desk going to plan following Soft Launch, now receiving substantial number of calls from business on a range of subjects. Performance standards will be developed in consultation with the business.



















RED	The Programme/Project is off track and will not meet the outcome by the target end date.
AMBER	The Programme/Project is not on track and may not achieve the outcome by the target end date.
GREEN	The Programme/Project is on track and the outcome should be completed by the target end date.

Title of Programme Workstream	HR Lead	RAG status Last period	RAG status This period	Action Required	Comments
5. Workforce Planning Develop a framework for planning the workforce requirements so that the right people with the right skills are in the right place at the right time to meet current and future council priorities	Susan Serventi	G	G	none	Framework and organisational model to be developed in consultation with SEB / CDB to support the council's current and future workforce planning priorities
6. Training and Development To develop an overall approach to training and development which addresses the following; <ul style="list-style-type: none"> • A Comprehensive induction process and programme • A core training plan for key business activity e.g. Health and Safety, first aid, ICT – Office 2010, customer care. • Performance management training • Outcomes of service planning and appraisal processes • Continuous Professional Development support (capacity building). • Management Development Provision will be as appropriate with a mix of learning and development methodologies, internal and external. 	Susan Serventi	G	G	none	Framework under development in consultation with Assistant Directors to reflect organisational development needs arising from business planning and appraisal outcomes.

Title of Programme Workstream	HR Lead	RAG status Last period	RAG status This period	Action Required	Comments
7. Sickness Management New sickness management framework to enable effective management by the business.	Sarah Bidwell	G	G	none	MOA policy due for approval at Cabinet Resources Panel 27.11.12 Opas system planned for extensive testing in Jan 13 with a target for implementation of Mar 13. Implementation plan being developed for discussion with CDB and SEB
7.1 Sickness Management Board Create an Officer Board		G	G	none	Approval of Board included in Cabinet report .
7.2 Policy – introduction of modernised MOA policy		G	G	none	Consultation with CDB and SEB and endorsement at PGSS. TU consultation complete
7.3 ICT Systems Ensure ICT helps deliver the HR vision and supports the service and managers in this aim.		G	G	none	Configuration of system currently being specified, this will be followed by training and system testing in December.
8. Performance Appraisal System To develop and implement a new performance appraisal system which links individual objectives to delivery of the corporate plan and provides for regular 1 to 1 meetings between employees and their manager.	Susan Serventi	G	G	none	Consultation with ADs has taken place. Draft appraisal system to be reported to PGSS during Nov 12, followed by Comms in Dec 12 and launch in Jan 13.
9. HR Service Standards To develop clear and measurable HR service standards which will be reported upon on a regular basis.	Sue Davies	G	G	none	CDB and SEB to be consulted on proposed service standards and reported to PGSS quarterly from November 12.
10. T & C Harmonisation Phase Ensuring all groups of WCC employees have the appropriate terms and conditions.	Sue Davies	G	G	none	To avoid further equal pay liabilities, T & Cs of non-NJC staff will need to be harmonised. Consultation currently underway, with implementation 1.04.13.

Title of Programme Workstream	HR Lead	RAG status Last period	RAG status This period	Action Required	Comments
11. Marketing and Comms To ensure that this programme and the work of HR is communicated effectively and appropriately.	Sue Davies	G	G	none	HR Communications Plan to be developed in consultation with CDB, implementation as BAU.
12. HR Delegations To review HR delegations and ensure they are appropriate.	Sue Davies	G	G	none	HR delegations specified in the Constitution to be reviewed with Portfolio holder for Governance and Performance, SEB and CDB and any revisions made through the Officer Constitution Review Group then submitted to Members (Special Advisory Group, Standards Committee and Council) for approval.
13. HR Intranet To provide a modern, flexible and business focussed platform for the delivery of HR support to the organisation	Sarah Bidwell	G	G	None	The Intranet project includes: definition of business requirements, content refresh and development of a new platform with interactive and work process functionality through sharepoint. The project has a dedicated IT project management lead.






HR Improvement Programme milestone map v0.4

 workstream	OCT 12	NOV	DEC	JAN 13	FEB	MAR
1. HR Strategy Sue Davies	Strategy drafted for Consultation with CDB 3.10.12 	Approval by SEB 4.11.12 				
2. HR Policy Framework Sarah Bidwell		Phase 1 final approval at Cabinet Resources Panel 27.11.12 	Consultation with CDB, SEB, TUs on Phase 2 	Phase 2 Consultation with PGSS 24.01.13. Final approval by SEB. Commence implementation of Phase 1. 	Phase 2 final approval at Cabinet Resources Panel 12.02.13 	Phases 3 and 4 Development and consultation 
3. HR Business Processes Denise Pearce	First 10 processes mapped 		Completion of mapping by Christmas 12. 			Phases 3 and 4 Consultation with Schools/ HR 
4. HR Service Desk Jackie Troth		Full launch expected w/c 26.11.12 		Project closure 		
5. Workforce Planning Susan Serventi		Consultation with CDB 		Consultation on content of proposed toolkit 		Workforce Planning Toolkit developed by 1.04.13 
6. Training and Development Susan Serventi				Consultation on content of proposed framework 1.01.13 to 1.02.13 		Framework content and supporting tools developed by 1.04.13 

HR Improvement Programme milestone map v0.4

	OCT 12	NOV	DEC	JAN 13	FEB	MAR
7. Sickness Mgt Sarah Bidwell	Consultation with CDB, SEB, TUs	Consultation with SEB 4.11.12 Policy approval at Cabinet Resources 27.11.12.		Testing	Training and Comms	System goes live
8. Performance Appraisal Susan Serventi	Consultation with PGSS 30.10.12. Final approval by SEB.	Final approval at Cabinet Resources Panel 27.11.12	Communication Strategy developed		Training on new system 1.02.13 to 1.04.13	System launched
9. HR Service Standards Sue Davies	Consultation with CDB and Managers	Dashboard report to PGSS 15.11.12 Consultation with SEB 4.11.12		Dashboard report to PGSS 24.01.13		Dashboard report to PGSS 7.03.13
10. T and C Harmonisation Sue Davies	Consultation with CDB, SEB, TUs	Commence employee consultation		Complete employee and TU consultation		Implementation 1.04.13
11. Marketing and Communication Sue Davies	Sharepoint project team established	Consultation with Managers on HR Communications Plan				

HR Improvement Programme milestone map v0.4

 	OCT 12	NOV	DEC	JAN 13	FEB	MAR
12. HR Delegations Sue Davies						
13. HR Intranet Sarah Bidwell	Project start up 	Business requirements workshops completed 				UAT of new Intranet. Go live 01.04.13 

Key Achievements since the last reporting period	Tasks planned for the next period
<ul style="list-style-type: none"> Review of revised and new phase 1 HR policies in consultation with service managers and CDB. Business analysts have carried out further mapping of HR business processes. The Managers Reference Group has been formed and has reviewed draft policies. Commencement of consultation with trade unions Further work carried out on the EPRS replacement. Progress report to PGSS 30.10.12 	<ul style="list-style-type: none"> Policy framework to be reported to Cabinet Resources 27.11.12 for approval. Employee consultation on T & C harmonisation. Sharepoint workshop for HR and managers. Full launch of HR Service Desk. Commencement of consultation with managers and trade unions for phase 2 policies and the HR Strategy. Development of an HR Communications Plan Further testing of IT systems to prevent another data breach.
Key Issues for Management Information	Help needed
<ul style="list-style-type: none"> There is continued challenge in reconciling competing demands on the HR Team of high priority projects such as Equal Pay, Single Status and Transformation. The next phase of the Terms and Conditions Review, for the remainder of the financial year, is to focus on harmonisation of terms and conditions across all staff too prevent further equal pay liabilities. 	<ul style="list-style-type: none"> CDB to provide feedback to confirm that new/ revised HR policies meet business requirements.

Programme risks and issues with a score of 15 or above

Risk Description	Impact	Mitigating Actions	Score
No risks scored above 15.	-	-	-

Key Dependencies	Due Date	Action Required	Owner
Savings Programme	31.03.13	The harmonisation phase of the T & C review needs to recognise Member's priorities for future savings this year. The focus for the T & C review for the remainder of this year is the harmonisation of T & Cs across all employees.	CDB, SEB

APPENDIX 2

Agenda Item No:

Wolverhampton City Council

OPEN ITEM

Cabinet Resources Panel

Date **27 NOVEMBER 2012**

Originating Service Group(s) **DELIVERY**

Contact Officer(s)	KEITH IRELAND	PAT MAIN	SUE DAVIES
Telephone Number(s)	4500	4410	4056

Title/Subject Matter **HR IMPROVEMENT PROGRAMME – POLICY FRAMEWORK**

Recommendation

1. That Members approve the Phase 1 policies as detailed in **Annex 1 – Annex 5**.
2. That Members note the extensive consultation undertaken to date on Phase 1 of the HR policy review and the planned consultation of Phases 2, 3 and 4 as detailed in **Appendix 1, Appendix 2 and Appendix 3**.

HR IMPROVEMENT PROGRAMME

1. BACKGROUND

- 1.1 The Human Resources (HR) Improvement Programme has a number of key workstreams to create a modern and effective Human Resources Service. Performance Governance and Support Services Scrutiny Panel has been provided with regular and comprehensive updates of progress made towards implementing the Improvement Programme as a precursor to policies being approved at Cabinet Resources Panel.
- 1.2 One of the main components of the programme is the development of a modernised HR Policy framework which is aligned to corporate objectives and business needs. This report seeks approval for the first phase of revised HR policies, and the endorsement of the consultation process which has underpinned their development.

2. HR IMPROVEMENT PROGRAMME

2.1 Policy Framework Consultation Journey

Consultation has been on-going during September and October to ensure that there has been meaningful dialogue with and to capture the views of, key stakeholders within the Council. The stakeholders identified for consulting include: Strategic Executive Board, Corporate Delivery Board, a Managers Reference Group, HR operational staff and the Trade Unions as required by the contract of employment.

2.2 The Consultation Process

The consultation process grouped specific policies and procedures for consultation with stakeholders. Feedback from the consultation has been used to further define policy (where appropriate) and to shape supporting guidance and frequently asked questions. Any comments of principle affecting the policies and procedures have been subject to discussion and review at a consultation moderation panel, consisting of the Head of HR, HR Policy and Strategy Manager and the HR managers, and where appropriate have shaped the policies further.

2.3 Managers Reference Group

Assistant Directors nominated key senior managers to form part of the managers' reference group. Consultation with the managers' reference group started on the 18th September and the policies that have been through this consultation channel include: grievance, disciplinary, bullying and harassment, management of attendance, information governance, social networking and appraisal. Further consultation meetings have been arranged to discuss the supporting guidance and information that has been developed as a result of the feedback given at the policy consultation.

- 2.4 At the start of the consultation process the managers' reference group was given a short presentation on the need to modernise the policies to make them simpler, relevant and in accordance with changes in employment law. The feedback from the reference group was that there is a real appetite for change and in general the need to simplify and streamline policies has been well received.

- 2.5 Many of those managers who attended the first of the sessions have attended all of the other sessions where diary commitments have allowed, demonstrating that they feel genuinely engaged and committed to the process.

The outcome of these consultation sessions was very positive with suggestions for amendments to the policies/procedure or positive contributions for inclusion into the supporting guidance. During the consultation sessions informative discussions have helped define the sort of questions that need to be addressed in the guidance notes and the frequently asked questions.

The guidance materials that have been developed are being shared with the reference group to check that the required tone, style, detail and information is appropriate to support effective implementation, greater business agility and ultimately a confident and capable Council.

2.6 Human Resources Reference Group

Consultation with this group started on the 13th September and has been on-going, for all of the phase 1 policies. Issues raised by this group have been the operational practicalities of applying the policies and procedures and many of the issues raised are being picked up in the supporting guidance documentation. Principles concerned with the policies have been subject to discussion in moderation and have helped further define the policies.

Consultation with the HR subject specialists will take place over the policy guidance to ensure that all operational issues have been picked up and that the guidance is appropriate for managers to manage people management issues within their area without an over reliance on HR.

2.7 Trade Unions

Consultation with Trade Unions started on the 16th October, having being put back at their request due to the demands of single status, and formally concluded on the 6th November. The comments from the trade union consultation are being taken into account to shape the guidance and many of their comments and issues raised have been very helpful for this purpose. The trade unions generally agree in principle with the policies (requesting a couple of minor changes), however they do not support the Management of Attendance Policy per se. They have requested that the tone of this policy is changed to sound less punitive and more supportive. Other changes that they have requested have been considered by the HR moderation panel.

3. REVIEW OF POLICIES

- 3.1 The policies have been prioritised into four phases and each phase will be reported to Performance Governance Support Services Scrutiny Panel as an essential part of the pre decision scrutiny process, and then to Cabinet Resources Panel for approval.

	<u>PGSS</u>	<u>Cabinet Resources Panel</u>
Phase 1	- October 2012	November 2012
Phase 2	- January 2013	February 2013
Phase 3	- March/April 2013	May 2013
Phase 4	- June 2013	July 2013

The high level consultation plans for each of the four phases are detailed in Appendix 1 and Appendix 2. Appendix 3 provides greater detail of consultation meetings. The proposed plans for Phase 2 onwards are being reviewed and revised as the work develops, but PGSS and Cabinet reporting deadlines will be met.

3.2 Phase 1 Policy Reviews

The following Phase 1 policies are attached to this report for Members to approve the principles detailed in each report:

Management of Attendance	-	Annex 1
Discipline	-	Annex 2
Grievance	-	Annex 3
Bullying & Harassment	-	Annex 4
Appraisal	-	Annex 5

3.3 A detailed implementation plan covering communications, training, business briefings, support and timetable for roll out of policies has been drawn up for the policies.

3.4 Draft HR policy statements on Information Governance and Social Networking were also developed as part of Phase 1, but require further work to ensure synergies with the Corporate Information Governance Board, Marketing and Communication and ICT work on Social Media use. These will be brought to a future meeting.

4. LEGAL IMPLICATIONS

4.1 The Policy reviews take into account up to date employment law and case law.
[FD/15112012/H]

5. FINANCIAL IMPLICATIONS

5.1 The cost of progressing the HR Improvement Plan will be met from within existing budgets.
[DM/13112012/X]

6. EQUALITY IMPLICATIONS

6.1 The recommendations contained in this report help support and improve the equality agenda across the workforce.

6.2 An Equality Analysis for each policy has been prepared.

7. ENVIRONMENTAL IMPLICATIONS

7.1 There are no direct environmental implications arising from this report.

Background Papers

Report to Performance Governance & Support Services: 6 September 2012

Report to Performance Governance & Support Services: 26 July 2012

Report to Performance Governance & Support Services: 2 February 2012

Report to Performance Governance & Support Services: 17 November 2011

HR Work Plan 2012/13

Report Number	PGSS Reports on HR Improvement Plan 2012	PGSS
1	HR Improvement Plan - revised	September 2012
2	HR Improvement Plan/Policy Framework - reports phase 1	October 2012
3	HR Improvement Plan/Policy Framework - reports phase 2	January 2013
4	HR Improvement Plan/Policy Framework - reports phase 3	April 2013
5	HR Improvement Plan/Policy Framework - reports phase 4	June 2013

- N.B.** **Phase 1:** Management of Attendance, Disciplinary, Grievance, Bullying & Harassment, Information Governance, Social Networking, Appraisal.
Phase 2: Capability, Recruitment & Selection, Induction, Exit Policies, Equality & Diversity.
Phase 3: Working Time, Pay & Reward, Leave Policy, Organisational Development, Coaching & Mentoring.
Phase 4: Dispute Resolution.

Wolverhampton City Council
HR Policy Framework Review Phase 1

Policy	HR Policy Review 1st Phase	Priority	Consultation	Consultation	Consultation	Consultation	Consultation	Consultation	Final Approval	Final Approval
		RAG								
Phase 1	Procedure & Process	High.Med.Low	HR/Schools	Managers	TU	CDB	SEB	PGSS	SEB	Resources Panel
1. Management of Attendance	Management of Attendance	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012
	Guidance	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012
	Protocol	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012
2. Performance Management: Disciplinary	Performance Management: Disciplinary	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012
	Guidance	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012
	Protocol	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012
3. Performance Management: Grievance	Performance Management: Grievance	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012
	Guidance	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012
	Protocol	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012
4. Behaviour: Bullying & Harassment (Dignity at Work)	Behaviour: Bullying & Harassment (Dignity at Work)	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012
	Guidance	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012
	Protocol	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012

Wolverhampton City Council
HR Policy Framework Review Phase 1

Policy	HR Policy Review 1st Phase	Priority	Consultation	Consultation	Consultation	Consultation	Consultation	Consultation	Final Approval	Final Approval
		RAG								
Phase 1	Procedure & Process	High. Med. Low	HR/Schools	Managers	TU	CDB	SEB	PGSS	SEB	Resources Panel
5.Information Governance (Sharing)	Information Governance (Sharing)	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012
	Overarching Considerations (IG Board)	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012
	Guidance	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012
	Protocol	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012
6.Social Networking	Social Networking	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012
	Overarching Considerations (IG Board)	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012
	Guidance	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012
	Protocol	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012
7. Appraisals	Appraisals: Procedure and Process	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012
	Guidance/Protocol/EIA	HIGH	Sep-12	Sep-12	Sep-12	Oct-12	Oct-12	Oct -12	Oct/Nov 2012	27 th Nov 2012

Wolverhampton City Council
HR Policy Framework Review Phase 2

Policy	HR Policy Review 1st Phase	Priority	Consultation	Consultation	Consultation	Consultation	Consultation	Consultation	Final Approval	Final Approval
		RAG								
Phase 2	Procedure & Process	High.Med.Low	HR/Schools	Managers	TU	CDB	SEB	PGSS	SEB	Resources Panel
1. Capability	Capability	MEDIUM	Oct-12	Oct-12	Nov-12	Nov/ Dec 12	Nov/ Dec 12	Jan-2013	Jan-2013	Feb-2013
	Guidance	MEDIUM	Oct-12	Oct-12	Nov-12	Nov/ Dec 12	Nov/ Dec 12	Jan-2013	Jan-2013	Feb-2013
	Protocol/EIA	MEDIUM	Oct-12	Oct-12	Nov-12	Nov/ Dec 12	Nov/ Dec 12	Jan-2013	Jan-2013	Feb-2013
2. Recruitment & Selection	Recruitment & Selection	MEDIUM	Oct-12	Oct-12	Nov-12	Nov/ Dec 12	Nov/ Dec 12	Jan-2013	Jan-2013	Feb-2013
	Guidance	MEDIUM	Oct-12	Oct-12	Nov-12	Nov/ Dec 12	Nov/ Dec 12	Jan-2013	Jan-2013	Feb-2013
	Protocol/EIA	MEDIUM	Oct-12	Oct-12	Nov-12	Nov/ Dec 12	Nov/ Dec 12	Jan-2013	Jan-2013	Feb-2013
3. Induction	Induction	MEDIUM	Oct-12	Oct-12	Nov-12	Nov/ Dec 12	Nov/ Dec 12	Jan-2013	Jan-2013	Feb-2013
	Guidance	MEDIUM	Oct-12	Oct-12	Nov-12	Nov/ Dec 12	Nov/ Dec 12	Jan-2013	Jan-2013	Feb-2013
	Protocol/EIA	MEDIUM	Oct-12	Oct-12	Nov-12	Nov/ Dec 12	Nov/ Dec 12	Jan-2013	Jan-2013	Feb-2013
4. Exit Policies	Exit Policies (VER, CR etc.)	MEDIUM	Oct-12	Oct-12	Nov-12	Nov/ Dec 12	Nov/ Dec 12	Jan-2013	Jan-2013	Feb-2013
	Guidance	MEDIUM	Oct-12	Oct-12	Nov-12	Nov/ Dec 12	Nov/ Dec 12	Jan-2013	Jan-2013	Feb-2013
	Protocol	MEDIUM	Oct-12	Oct-12	Nov-12	Nov/ Dec 12	Nov/ Dec 12	Jan-2013	Jan-2013	Feb-2013
5. Equality & Diversity	Equality & Diversity	MEDIUM	Oct-12	Oct-12	Nov-12	Nov/ Dec 12	Nov/ Dec 12	Jan-2013	Jan-2013	Feb-2013
	Guidance	MEDIUM	Oct-12	Oct-12	Nov-12	Nov/ Dec 12	Nov/ Dec 12	Jan-2013	Jan-2013	Feb-2013
	Protocol/EIA	MEDIUM	Oct-12	Oct-12	Nov-12	Nov/ Dec 12	Nov/ Dec 12	Jan-2013	Jan-2013	Feb-2013

Wolverhampton City Council
HR Policy Framework Review Phase 3

Policy	HR Review 2 nd Phase	Priority	Consultation	Consultation	Consultation	Consultation	Consultation	Consultation	Final Approval	Final Approval
		RAG								
Phase 3	Procedure & Process	High.Med. Low	HR/Schools	Managers	TU	CDB	SEB	PGSS	SEB	Resources Panel
1. Working Time	Working Time: Procedure and Process	LOW	Feb 2013	March 2013	March 2013	April 2013	April 2013	Mar/April 2013	April 2013	May 2013
	Guidance /Protocol/EIA	LOW	Feb 2013	March 2013	March 2013	April 2013	April 2013	Mar/April 2013	April 2013	May 2013
2. Pay & Reward	Pay & Reward: Procedure and Process	LOW	Feb 2013	March 2013	March 2013	April 2013	April 2013	Mar/April 2013	April 2013	May 2013
	Guidance/Protocol/EIA	LOW	Feb 2013	March 2013	March 2013	April 2013	April 2013	Mar/April 2013	April 2013	May 2013
2. Leave Policy	Leave Policy: Procedure and Process	LOW	Feb 2013	March 2013	March 2013	April 2013	April 2013	Mar/April 2013	April 2013	May 2013
	Guidance/Protocol/EIA	LOW	Feb 2013	March 2013	March 2013	April 2013	April 2013	Mar/April 2013	April 2013	May 2013
4. Organisational Development	OD : Procedure and Process	LOW	Feb 2013	March 2013	March 2013	April 2013	April 2013	Mar/April 2013	April 2013	May 2013
	Guidance/Protocol/EIA	LOW	Feb 2013	March 2013	March 2013	April 2013	April 2013	Mar/April 2013	April 2013	May 2013
5. Coaching & Mentoring	Coaching & mentoring: Procedure and Process	LOW	Feb 2013	March 2013	March 2013	April 2013	April 2013	Mar/April 2013	April 2013	May 2013
	Guidance/Protocol/EIA	LOW	Feb 2013	March 2013	March 2013	April 2013	April 2013	Mar/April 2013	April 2013	May 2013

Wolverhampton City Council
HR Policy Framework Review Phase 4

Policy	HR Review 3rd Phase	Priority	Consultation	Consultation	Consultation	Consultation	Consultation	Consultation	Final Approval	Final Approval
		RAG High Med. Low								
Phase 4	Procedure & Process		HR/Schools	Managers	TU	CDB	SEB	PGSS	SEB	Resources Panel
1.Dispute Resolution	Dispute Resolution: Procedure and Process	LOW	April 2013	April 2013	April 2013	April 2013	May 2013	June 2013	June 2013	June 2013
	Guidance/Protocol/EIA	LOW	Feb 2013	March 2013	March 2013	April 2013	May 2013	June 2013	April 2013	June 2013
Any other parts of framework not covered above.										

This document outlines the consultation process for the review of the HR policies and procedure. The consultation process is to ensure that there has been meaningful dialogue and an exchange of views to ensure that the HR policies are appropriate to the needs of the business. The policy consultation process has grouped the various policies into subject areas with the view to consult with the key stakeholders of these subject areas.

The consultation journey is shown in the table below:

HR	Managers Reference Group	Trade unions	CDB	SEB	PGSS	SEB final approval	Resources Panel - final approval
Jul 12 Phase 1 (Management of attendance, disciplinary, grievance, Bullying and harassment, information governance, social networking)	Sept 12 Phase 1	October 12 Phase 1	Oct 12 Phase 1	Oct 12 Phase	Oct (TBC) Phase 1	Oct/Nov Phase 1	27 th Nov 12 Phase 1
Oct 12 Phase 2 (Capability, recruitment & selection, induction, Exit Policies, Equality and Diversity)	Nov 12 Phase 2	Nov 12 Phase 2	Nov/Dec Phase 2	Nov/Dec Phase 2	January 13 Phase 2	January Phase 2	3 rd April Dec 12 Phase 2
Feb 13 Phase 3 (working time, pay and reward, leave policy OD, coaching, Appraisals)	March 13 Phase 3	March 13 Phase 3	April 13 Phase 3	April 13 Phase 3	March/April Phase 3	April 13 Phase 3	May 13 Phase 3
April 13 Phase 4 (Dispute Resolution, EINA guidance protocol)	April 13 Phase 4	April 13 Phase 4	April 13 Phase 4	May 13 Phase 4	June 13 Phase 4	June 13 Phase 4	June 13 Phase 4

Phase 4 onwards will take place between January and March 2013.

Consultation Methods

1. A variety of consultation methods to capture suggestions and responses from the various stakeholders. These include traditional meetings, facilitated café style consultation events, setting up a ‘communities of practice’¹ (on-line HR best practice sharing portal) and use of the intranet.
2. Presentation to Operational stakeholders detailing the need for modernisation, how streamlined policies and procedures will assist with operational management and then a series of previously defined questions with facilitated discussion.

¹ Local Government Association Knowledge Hub allows for groups or communities for best practice sharing.

3. Specific questions for operational stakeholders concerning the implementation of current policies, the difficulties and support required to ensure confident management (to shape guidance, FAQs and learning materials).
4. Specific questions around the principles to be addressed to the trade union representatives with suggestions from them for the best practice and guidance notes.
5. For the wider workforce information should be shared on the intranet explaining the work that HR are carrying out, the need for modernisation and how this benefits all employees.

MANAGEMENT OF ATTENDANCE

1. The revised management of attendance policy and procedure redrafted to meet business objectives is appended.
2. The revised policy seeks to modernise the Council's approach to managing attendance through the harmonisation of absence management into one process for short and long term absence, with the aim of improving overall attendance.
3. The policy and procedure will be delivered through the implementation of a web-based system (OPAS) for recording and managing absence, and reporting in real time.
4. Key policy changes include:
 - a combined process for all absences instead of separate long term and short term processes
 - the adoption of revised threshold levels for all absence, long and short term. Similar thresholds have been proven to improve overall attendance in other local authorities
 - the implementation of a sickness management board
5. Formal consultation with HR, a senior managers' reference group and the trade unions, as well as regular reports to CDB, has informed the development of the policy.
6. Detailed management guidelines are being developed to support the policy implementation. Many of the outcomes of the consultation meetings have been fed into the management guidance and managers, HR and trade unions will continue to be consulted on the guidance. An implementation plan including communications and training is also being developed.

DRAFT

Wolverhampton City Council



Human Resources Policy Framework

Management of Attendance Policy and Procedure

Approved by:	<i>Cabinet Resources Panel (27.11.2012)</i>
<i>Published:</i>	<i>xx.xx.2012</i>
<i>Review date:</i>	<i>xx.xx.2013</i>

CONSULTATION

The following officer and or bodies have been consulted on this policy:

Officers and or Bodies	From	To
HR	13.09.2012	30.10.2012
CDB	08.08.2012	30.10.2012
SEB	18.10.2012	
PGSS	30.10.2012	

The following Trade Unions have been consulted on the policy

	From	To
Unison	16.10.2012	20.11.2012
GMB	16.10.2012	20.11.2012
Unite	16.10.2012	20.11.2012

REVIEW LOG

Date	Version	Comments/Review	Approved by
14.11.2012	0.7	Redrafted following TU consultation and further moderation by HR. H.P.	
16.10.2012	0.6	Redrafted with comments from consultation with HR staff and managers and following HR moderation. H.P.	
12.09.2012	0.5	Redrafted to include comments from HR Managers & HR Specialist H.P.	
17.08.2012	0.4	Redrafted with revised content, layout and new WCC triggers H.P.	
01.08.2012	0.3	Inserted BF score and revised scope A.S.	
16.07.2012	0.3	Redrafted to include reference to process charts and glossary H.P.	
21.05.2012	0.2	Redrafted to include comments from HR staff and Assistant Directors	

EQUALITY ANALYSIS

An equality analysis has been carried out on this policy and procedure. Contact HR Strategy and Policy Team for a copy. Contact HR on 01902 552345 or by email on HR.servicedesk@wolverhampton.gov.uk for HR advice.

ADVICE

Contact HR on 01902 552345 or email HR.servicedesk@wolverhampton.gov.uk for HR advice.

COMMENTS AND AMENDMENTS

Contact HR on 01902 552345 or email HR.servicedesk@wolverhampton.gov.uk to make any comments or suggest any feedback on this policy.

DISTRIBUTION

This policy and procedure is placed on the HR intranet for managers and employees to view. Copies will be provided to recognised Trade Unions and managers electronically.

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WOLVERHAMPTON CITY COUNCIL

MANAGEMENT OF ATTENDANCE POLICY AND PROCEDURES

POLICY

1.0 Policy Statement

The Council recognises that:

- A clear policy and procedural framework will assist employees to understand the Council's absence management arrangements;
- The maintenance of high levels of attendance is essential in planning and providing cost effective and high quality services to the public, and in achieving high morale amongst employees;
- Low levels of attendance can have an adverse effect on the organisation's image and effectiveness leading to poor service provision, lost contracts and low morale;
- Adjustments need to be considered and, if reasonable, made for employees where illness or disability prevents them from performing the full range of duties associated with their post. This includes consideration of redeployment to a suitable alternative post which the employee is fit to undertake. Where the illness is of a serious nature, the Council will be as supportive as possible.

2.0 Scope

This policy will apply to all employees, those on fixed term and casual contracts, including Chief Officers, employees within their Probationary Period and NJC staff in schools, but excludes teachers who are covered by the Schools Management of Attendance Policy and Procedure. For schools employees the procedure is modified to reflect the schools management structure.

This policy covers all sickness absence, both certified and uncertified, including absence as a result of work related injuries, pregnancy related sickness absence and disability related absence.

3.0 Principles

3.1 Overarching Principles

The policy and procedures are designed to encourage an improvement in an individual's attendance where this is necessary. Managers play

an important role in the day-to-day welfare and supervision of their staff and, depending on the seriousness of the problem, they should seek initially to rectify problems through informal discussions and return to work interviews. **Note** that informal discussions and return to work interviews are not part of the formal procedure.

The Council will continue to develop and review policies and procedures which encourage high levels of attendance and which reflect the following principles:

- acceptance that the best results will be achieved where there is a commitment to securing high levels of attendance by employees, trade unions and management;
- provision of appropriate information and training for employees and managers on relevant policies and procedures;
- provision of suitable Occupational Health support;
- provision of appropriate health education including policies on smoking and the prevention of alcohol and drug abuse;
- provision of welfare and counselling facilities;
- continuing co-operation with external agencies and specialists to explore and consider fully (and, if reasonable, secure) adjustments for employees where appropriate;
- a commitment to the provision of good working conditions and the maintenance of proper health and safety standards;
- ensuring that policies and procedures provide for fair, consistent and sensitive treatment of employees;
- providing a system that enables full consultation with employees and their representatives to explore ways of improving attendance;
- ensuring that managers act firmly but fairly where there are abuses of the system;
- provision to managers of prompt, accurate and comprehensive advice and information concerning attendance levels, trends and any problem areas.

3.2 Thresholds for formal action

Where an individual's absence level meets one of the following thresholds for action the employee's manager will review the absence level with the employee at the appropriate stage of the formal procedure:

Stage 1 Threshold;

- 3 separate occurrences of absence in a rolling 12 month period or
- A cumulative total of ten days absence in a rolling 12 month period or
- One absence of 4 consecutive weeks or more in a rolling 12 month period

Or an unacceptable pattern of absence

Stage 2 Threshold;

- Live Written Statement of Outcome of Stage 1 meeting plus
- 3 separate occurrences of absence in a rolling 12 month period or
- A cumulative total of 10 days absence in a rolling 12 month period or
- Continued absence of 4 consecutive weeks or more in a rolling 12 month period (see * below)

Or an unacceptable pattern of absence

Stage 3 Threshold;

- Live Written Statement of Outcome of Stage 2 meeting plus
- 3 separate occurrences of absence in a rolling 12 month period or
- A cumulative total of 10 days absence in a rolling 12 month period or
- Continued absence of 4 consecutive weeks or more in a rolling 12 month period (see * below)

Or an unacceptable pattern of absence

The formal stages are designed to be progressive; however the Council reserves the right to enter the formal procedure at any stage as appropriate, in cases of unacceptable patterns of absence. Further advice and guidance is included in the Managers' Guidance Notes which are on the HR intranet site.

The above thresholds apply to employees working any 5 days out of 7. These thresholds will be applied to part-time employees and employees working non-standard patterns of work on a pro-rata basis.

A process summary is attached as appendix 1 and further advice and guidance is included in the Managers' Guidance Notes which are on the HR intranet site.

* In exceptional circumstances, in certain cases of long term sickness absence, it may be agreed to temporarily halt the procedure to allow time out for reasonable interventions such as planned post-operative recovery etc. Further advice is included in the Managers' Guidance Notes.

3.3 Return to Work interviews

A Return to Work interview must be held after **every** period of sickness absence and a checklist for managers along with further advice and is included in the Managers' Guidance Notes.

The Return to Work Interview should take place on the employee's first day back at work, or as soon as possible thereafter.

The interview should be recorded on the form provided in the Managers' Guidance Notes and Managers are required to enter the date and outcome of the interview in real time on the Council's absence recording system.

4.0 PROCEDURES

Where the employee meets one of the specified thresholds or there are other matters of concern, for example an unacceptable pattern of absence, the employee will be invited to attend a formal meeting at the appropriate stage in the procedure.

Employees have the right to be accompanied by a trade union representative or work colleague at all formal stages of the procedure.

The option of ill health retirement can be considered at any stage of the procedure, formal or informal, where medical evidence can support this

The Flow Chart attached as Appendix 1 to this Policy and Procedure will act as a reference document to managers and employees in their understanding of the process and absence triggers.

4.1 Stage One Procedure

Where an individual's absence level meets the threshold for action at Stage 1 the employee will be invited to attend a formal meeting with their manager to discuss the events which have led to the threshold being reached

Stage 1 Thresholds;

- 3 separate occurrences of absence in a rolling 12 month period or
- A cumulative total of ten days absence in a rolling 12 month period or
- One absence of 4 consecutive weeks or more in a rolling 12 month period

Or an unacceptable pattern of absence

A template letter inviting the employee to attend this meeting is included in the Managers' Guidance Notes

At the formal Stage 1 meeting, the manager will consider all the facts relevant to the case and will give the employee an opportunity to respond

The employee will be notified of the outcome of the meeting in writing and will be issued with a;

- Written Statement of Outcome of Stage 1 Meeting and
- Management Support Plan

unless it has been agreed to disregard some or all of the absences for reasons of disability, pregnancy or an accident at work. Please see section 4.8 of this Policy for further clarification on discounted absence.

There are a range of other possible outcomes which will be covered in an agreed Management Support Plan. These options may include;

- Ongoing support from manager
- Advice from Occupational Health
- Referral for appropriate support
- Advice on reasonable adjustments
- Help with rehabilitation
- Request that a 'fit note' be supplied for every period of absence
- Continuing to monitor attendance levels
- Redeployment
- Consideration of ill health retirement
- Other solution which may be appropriate

More than one outcome may be adopted, as determined appropriate by the manager.

A template Management Support Plan, with tick boxes, is included in the Managers' Guidance Notes

4.2 Stage Two Procedure

If an individual's absence level meets the threshold for action at Stage 2 the employee will be invited to attend a formal meeting with their manager to discuss the events which have led to the threshold being reached

Stage 2 Thresholds:

- Live Written Statement of Outcome of Stage 1 Meeting plus
- 3 separate occurrences of absence in a rolling 12 month period or
- A cumulative total of 10 days absence in a rolling 12 month period or
- Continued absence of 4 consecutive weeks or more in a rolling 12 month period (with time out for interventions if appropriate)

Or an unacceptable pattern of absence

Prior to the meeting the manager should ensure that they have the latest information relating to the case. In addition the manager should consider making a referral to Occupational Health if appropriate and if a referral is made the manager should wait for receipt of the Occupational Health Report before arranging the meeting.

At the formal Stage 2 meeting the manager will consider all the facts relevant to the case and will give the employee an opportunity to make representations.

The employee will be notified of the outcome of the meeting in writing and will be issued with a;

- Written Statement of Outcome of Stage 2 Meeting and
- Management Support Plan

unless it has been agreed to disregard some or all of the absences for reasons of disability, pregnancy or accident at work or the employee has been dismissed at Stage 2 of the procedure.

As for Stage 1 there are a range of other possible outcomes, which should be covered in an agreed Management Support Plan. These options may include;

- Ongoing support from manager, with reviews if appropriate
- Advice from Occupational Health
- Referral for appropriate support
- Advice on reasonable adjustments
- Reasonable adjustments to current post
- Help with rehabilitation
- Request that a 'fit note' be supplied for every period of absence
- Agreed targets for future attendance
- Continuing to monitor attendance levels
- Redeployment; where it is considered that the employee is suitable for another existing post; with or without reasonable adjustments
- Consideration of ill health retirement
- Other solution which may be appropriate

A template Management Support Plan, with tick boxes, is included in the Managers' Guidance Notes

However in certain circumstances the option agreed by management may be as follows;

- Dismissal; where an Occupational Health Clinician certifies that the employee is permanently unfit or is unlikely to return to work in a reasonable period of time or where the employee is found to have has an unacceptable pattern of absence, or where the Occupational Health Clinician has confirmed that there is no medical reason why the employee cannot attend work on a regular and sustained basis

4.3 Stage Three Procedure

If an employee reaches a Stage 3 threshold or has an unacceptable pattern of absence the employee will be invited to attend a formal meeting with an Assistant Director or their nominee.

Stage 3 Thresholds;

- Live Written Statement of Outcome of Stage 2 Meeting plus
- 3 separate occurrences of absence in a rolling 12 month period or

- A cumulative total of 10 days absence in a rolling 12 month period or
- Continued absence of 4 consecutive weeks or more in a rolling 12 month period (with time out for interventions if appropriate)

Or an unacceptable pattern of absence

Prior to the meeting further investigation will be carried out by the employee's line manager or other appropriate manager as nominated by the Assistant Director. This will involve the manager in gathering evidence and assembling all the facts of the case in to a Case Summary Report.

A template for this report is included in the Managers' Guidance Notes

In addition the manager must make a referral to Occupational Health and wait for receipt of the Occupational Health Report before arranging the meeting, unless a recent Occupational Health Report is already available

At the Stage 3 meeting the manager will present the Case Summary Report to the Assistant Director or their nominee and the employee will be requested to put forward any mitigating circumstances as to why they should not be dismissed and/or why the council should support their continued employment.

The following formal actions will be considered and the employee will be notified of the outcome of the meeting in writing.

- Dismissal; where an Occupational Health Clinician certifies that the employee is permanently unfit or is unlikely to return to work in a reasonable period of time or where the employee is found to have an unacceptable pattern of absence, or where the Occupational Health Clinician has confirmed that there is no medical reason why the employee cannot attend work on a regular and sustained basis
- Alternatives to dismissal and issue of Written Statement of Outcome of Stage 3 Meeting This will only be considered where there are exceptional mitigating circumstances and clearly identified and agreed new actions which should lead to improvement within an agreed review period.
- The option of ill health retirement, where medical evidence can support this

Where a Written Statement of Outcome of Stage 3 Meeting is issued a clear timetable for support and supervision will be established detailing any targets to be met. These will be covered in an agreed Management Support Plan.

If the employee reaches the Stage 3 threshold again or if there is an unacceptable pattern of absence following the issue of a Written

Statement of Outcome of Stage 3 Meeting there will be a further meeting with the employee, arranged as detailed above under formal Stage 3 of the procedure.

4.4 Eligibility to Appeal

Employees may appeal against the decision to dismiss only. Further details of the arrangements for appeal are as outlined in the Managers Guidance Notes.

1.1.

4.5 Life of Written Statements of Outcome of Meetings

The normal life of a Written Statement of Outcome of Stage 1 Meeting is 12 months.

The normal life of Written Statement of Outcome of Stage 2 Meeting is 12 months.

The normal life of a Written Statement of Outcome of Stage 3 Meeting is 24 months.

Time starts to run from the date of the staged meeting (or the date of the employee's return to work in the case of long term sickness absence). However, any prolonged period(s) of absence for reasons other than normal leave during the life of the written statement of outcome will extend the end date by a like amount.

A written statement of outcome of a staged meeting will be disregarded for the purposes of the procedure after its end date unless a further absence issue occurs before that date. If such a situation arises, the written statement will continue to be "live" until the conclusion of any staged meeting that might ensue.

4.6 Protected Characteristics

Wolverhampton County Council is committed to providing services and having policies that meet the equality and diversity needs of employees within the framework of current legislation. Further advice and guidance on managing absence linked to protected characteristics including disability is included in the Managers Guidance Notes which can be found on the HR intranet site.

4.7 Work Related Injuries

Managers must ensure that all work related injuries (which include all reportable accidents under RIDDOR) are recorded as soon as possible on the Accident and Incident Report Form available for download from the Safety, Health and Well-being intranet site

Work related injuries will be included within a sickness absence record for an individual, and managers should carry out return to work interviews and staged interviews if absence thresholds are reached.

4.8 Discounted Absences

All sickness absence will be included within the sickness absence record for an individual and managers should carry out return to work interviews and staged interviews if absence thresholds are reached.

However, if the absence is found to be related to disability, work related injuries or pregnancy it may subsequently be agreed to discount this absence from the employee's absence record. Further advice and guidance is included in the Managers Guidance Notes.

5.0 Roles and Responsibilities

5.1 Employees are required to:

- Attend for work unless unable to do so for genuine reasons
- Inform their manager of the reasons for non-attendance
- Return to work as soon as possible following a period of ill health
- Comply with the requirements of the sickness reporting procedure contained within this policy document
- Comply with the provisions of the Occupational Sick Pay Scheme
- Inform their manager if they intend to undertake any form of paid alternative employment, self-employment or voluntary work whilst absent due to sickness and/or certified as sick. (Any breach of this requirement may be regarded as gross misconduct)
- Co-operate fully with the management process and the occupational health services provided by the Council.

Please refer to Appendix 2 for a summary of the reporting procedure for employees.

5.2 Managers are required to;

- Implement the policy equitably and consistently across all employees
- Ensure that they understand the policy and procedure, adhere to it and apply it correctly
- Ensure that the duration and reasons for employee absence are recorded accurately on the absence recording system in real time
- Ensure that the notification to the employee and the steps taken by management before, during and after any formal meeting comply with the requirements outlined in the Managers' Guidance Notes
- Take responsibility for holding Stage 1 and stage 2 meetings with their employees
- Take responsibility for gathering appropriate evidence and presenting it to the Assistant Director (or their nominee) at Stage 3

meetings. (In exceptional circumstances the Assistant Director may nominate another manager to collect and present this evidence)
Please refer to Appendix 3 for a summary of the absence reporting procedure for managers

5.3 Assistant Directors and Heads of Service are required to;

- Ensure that their employees and managers are aware of their individual responsibilities in relation to employee attendance.
- Assistant Directors or their nominees are responsible for hearing meetings at Stage 3 of the formal procedure and for deciding on a fair and appropriate outcome.
- Assistant Directors are required to monitor the level, cause and cost of sickness absence within their service area and ensure that their Heads of Service attend the Sickness Management Board as requested.

5.4 Human Resources are required to;

- Provide support and guidance to managers throughout the Stages of this Policy
- Ensure the communication, maintenance, regular review and updating of this Policy
- Monitor and review the HR effectiveness of this Policy

5.5 Occupational Health;

The role of Occupational Health is to;

- Give impartial medical advice to both managers and employees
- Provide managers and employees with support on any health related issues that impact on the workplace
- Be the referral point for providing and / or gaining clinical viewpoints
- Assist the organisation in supporting its employees whilst continuing to meet its business objectives

5.6 The Head of HR

In consultation with the recognised Trade Unions, the Head of HR will exercise delegated authority for and be responsible for the ongoing review and updating of this Policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this Policy will be brought before the Resources Panel for approval.

6.0 PROCESS

6.1 Sickness Management Board

The management of sickness absence is taken seriously by the Council and absence is monitored by the Service Area and the Sickness Management Board.

The terms of reference of the Sickness Management Board are attached as Appendix 4.

Further information on the Sickness Management Board is available in the Managers' Guidance Notes.

In addition, an annual report showing trends and costs of sickness absence across the Council will be produced by HR and presented to Elected Members

7.0 Links to Other Policies and Procedures, including;

Disciplinary

Capability

Grievance

Equal Opportunities

Dignity at Work; Bullying and Harassment

Health and Wellbeing

- Domestic Violence
- Counselling
- Physiotherapy

Health and Safety

Confidentiality

Data Protection Act

Whistleblowing Policy and Procedures

Statutory and Occupational Sick Pay entitlements

8.0 Equality

8.1 An Equality Analysis has been undertaken on this policy and procedure.

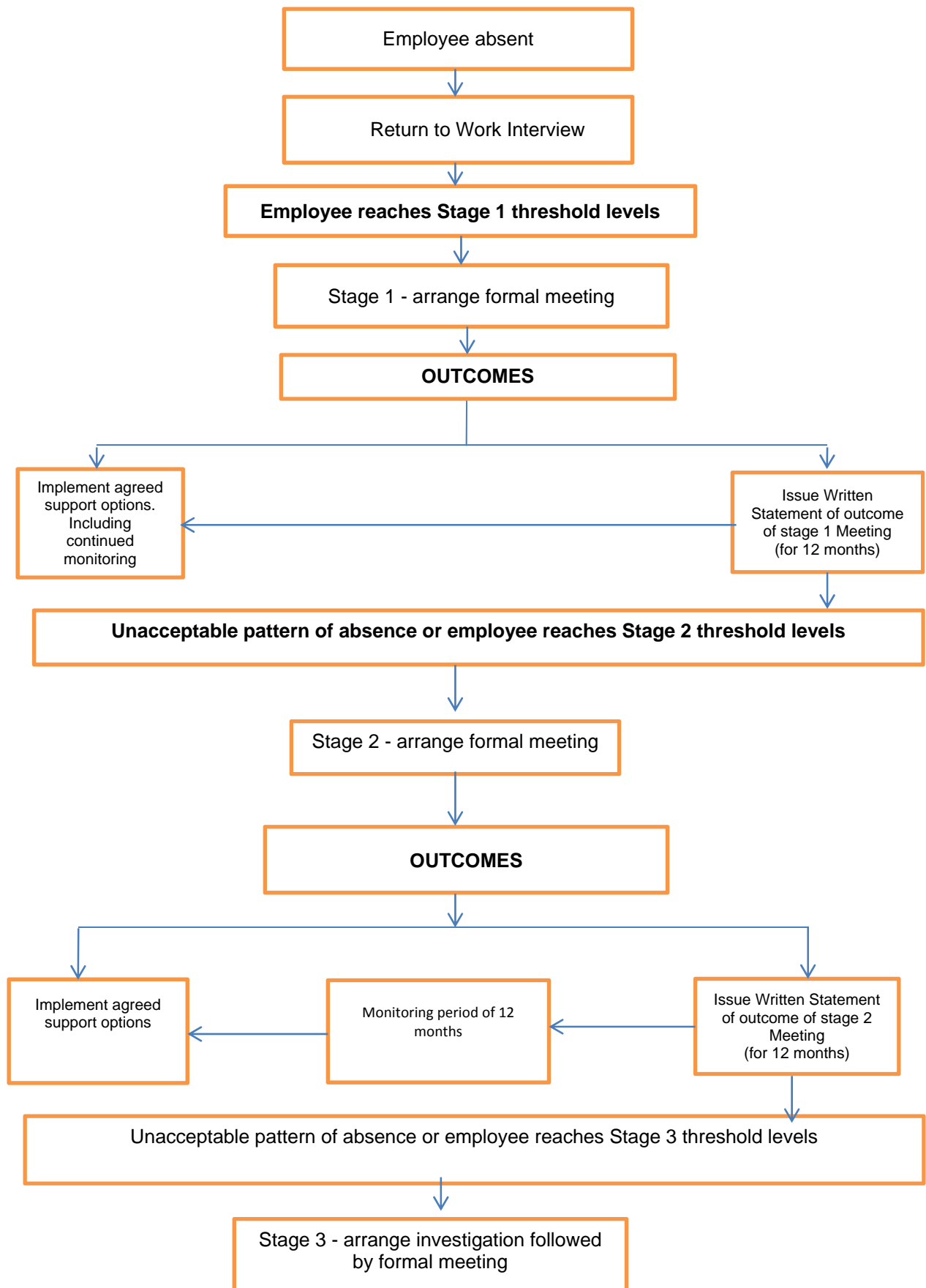
8.2 The Council has a duty to monitor the application of the policy in relation to protected characteristics under the Equality Act 2010. This is reported annually in the Council's Equality Monitoring Report.

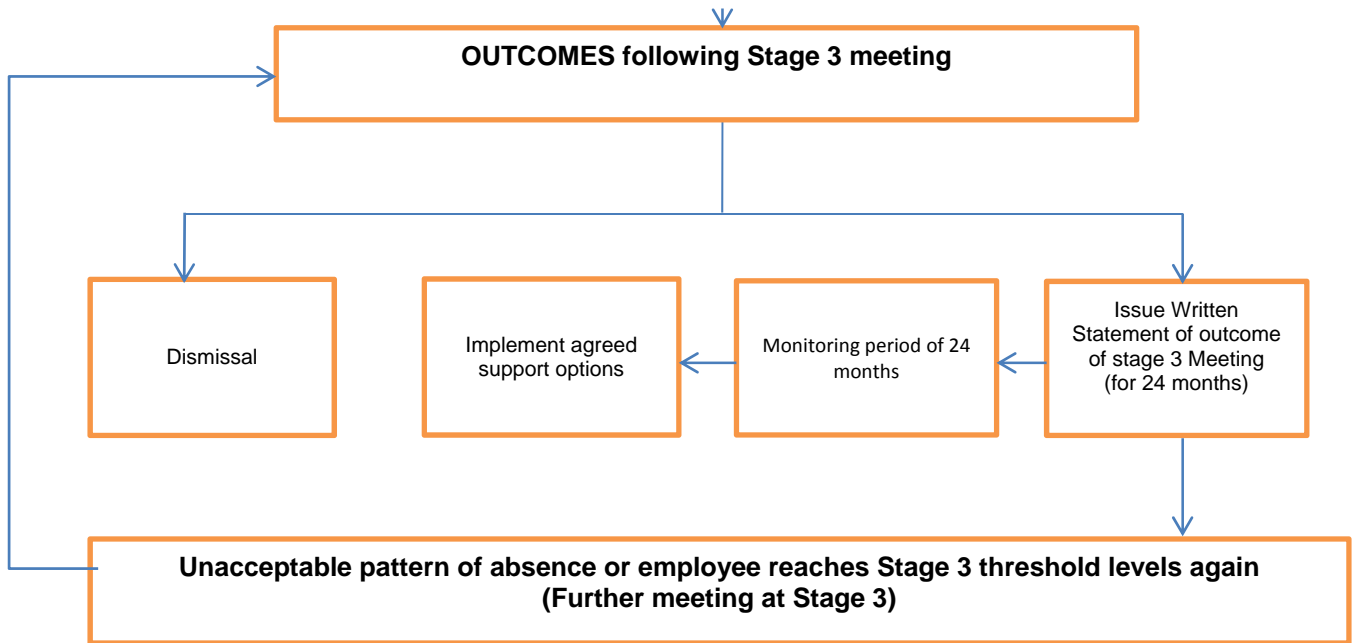
8.3 If any aspect of this policy or procedure causes difficulty on account of an employee's disability or because English is not their first language, they should contact HR, and appropriate arrangements will be made.

Absence Flowchart, Thresholds for Formal Action

Appendix 1

For more detailed information please see Management of Attendance Policy Section 3.2

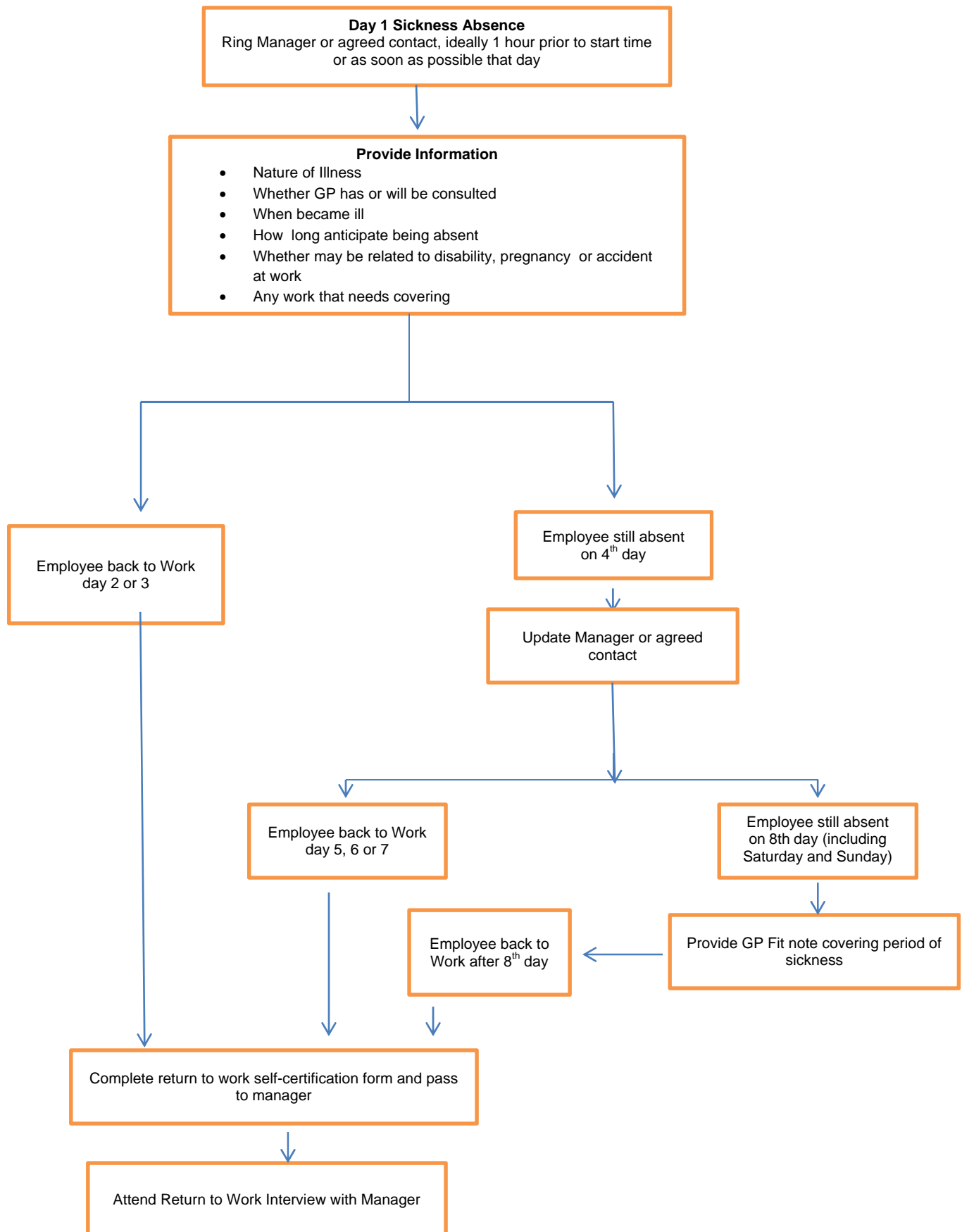




Reporting Procedure for Employee's

Appendix 2

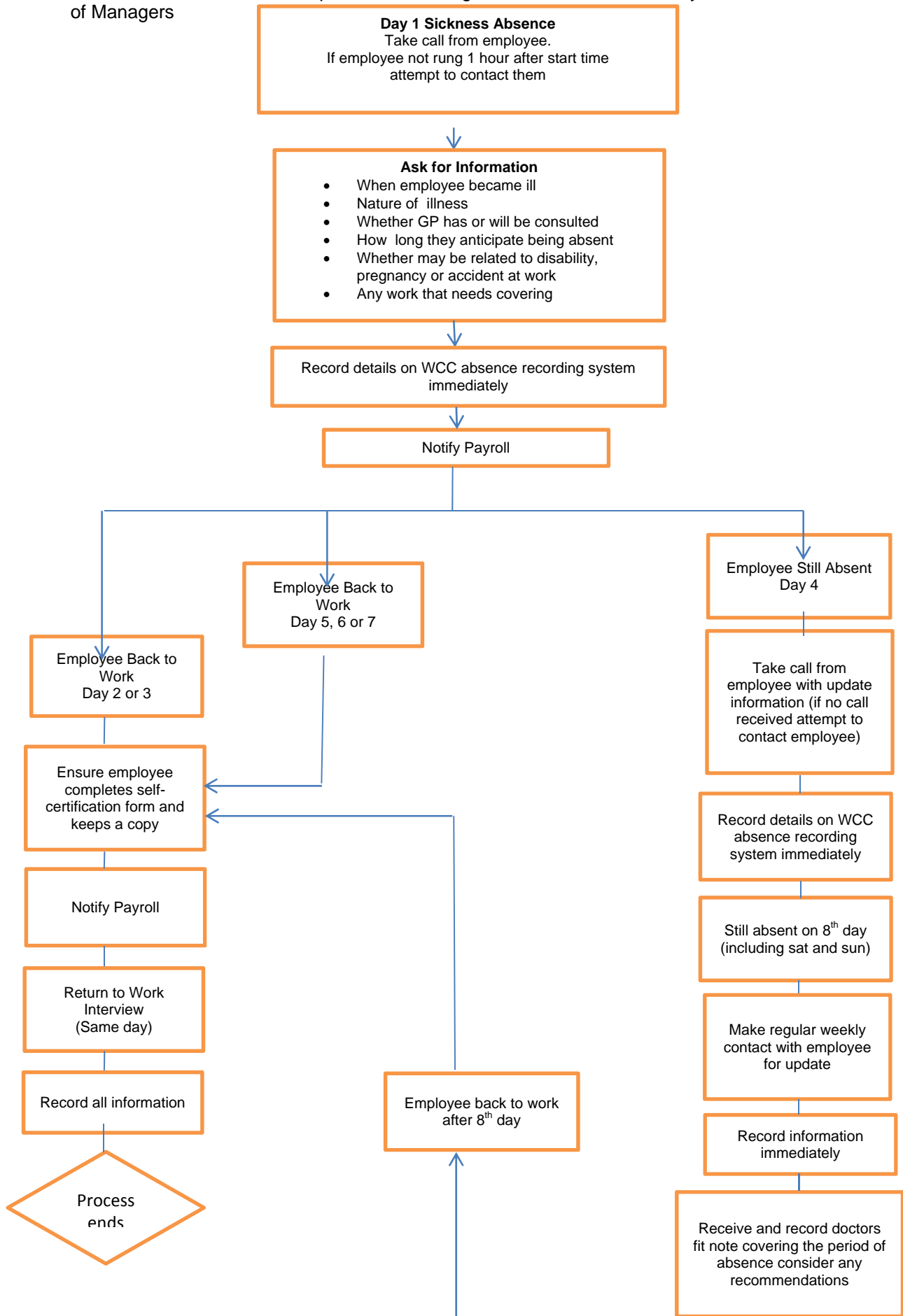
For more detailed information please see Management of Attendance Policy Section 5.1 Roles and Responsibilities of Employees



Reporting Procedure for Line Managers

Appendix 3

For more detailed information please see Management of Attendance Policy Section 5.2 Role of Managers



WOLVERHAMPTON CITY COUNCIL - SICKNESS MANAGEMENT BOARD

Terms of Reference

1. To take an overview of sickness across the Council.
2. To determine strategies at corporate, service and individual level to improve sickness absence.
3. To ensure everything is being done to support employees with serious and long term illness.
4. To ensure everything is being done to support employees back to work from ill health.
5. To ensure everything is being done to work with employees that have poor sickness records to improve their health and wellbeing.
6. To ensure the Council's procedures are being adhered to in every case of sickness absence.
7. To ensure that appropriate management action is taken where there is no clear medical evidence that the absence is due to medical reasons.
8. To work with employees to reach individual solutions where a sickness record is not acceptable in terms of the Council's policy.
9. To ensure Trade Unions are briefed on the findings of the Sickness Management Board and involved in cases as appropriate.
10. To share the key headline data with staff across the Council so that they are fully informed of the sickness position within the Council.
11. To remind all managers of their responsibility with regard to management of sickness.
12. To assess any changes needed to be made to Council policy and procedures relating to sickness.

Membership of the Sickness Management Board

Strategic Director Delivery (Chair)
Financial Controller
Head of HR
(Additional nominations to be added)

HR Officers to attend as relevant. Heads of Service (or appropriate representative) to attend as requested.

The Board will meet weekly/monthly until xxx date 2013 when the frequency will be reviewed.

Glossary

Absence recording system;

The electronic system which will be used by the council to record sickness absence from the date of implementation of this new policy i.e. OPAS

Absence thresholds;

The agreed periods of absence which trigger action under the formal stages of the procedure

Certified absence;

A period of absence that is covered by a doctor's medical certificate or 'fit note'

Disability related absence;

The council has a legal duty not to discriminate against any employee on the grounds of their disability and to make reasonable adjustments to accommodate the employee at work.

Discounted absences;

If an absence is found to be related to disability, work related injuries, or pregnancy it may be agreed to disregard this absence from the employee's absence record

Doctor's medical certificate or 'fit note';

After 8 days absence the employee must provide a doctor's medical certificate or 'fit note' which covers their absence

Equality Act 2010;

The Equality Act 2010 covers the rights of people with disabilities. Under this Act, which has replaced the Disability Discrimination Act or DDA, it is unlawful to discriminate against a disabled person for reasons related to their disability.

Occupational Health referral;

A referral made by management, with the employee's consent, to Occupational Health, seeking impartial medical advice on their medical condition, absence or absences

Occupational sick pay;

Sick pay that is paid in accordance with National Agreements, in line with the employee's terms and conditions of employment with the council.

Reasonable adjustments;

Adjustments that can be made to accommodate the employee at work, either in their current job or in a redeployed role. These must be reasonable in the context of on-going business requirements.

Return to work interview;

After every absence employees are required to attend a Return to Work Interview with their manager

Self-certified absence;

The first 7 days of absence can be certified in writing by the employee

Statutory sick pay;

Sick pay that is paid in accordance with Statutory Sick Pay Regulations

Work related injuries;

Absences from work due to accidents, incidents and injuries sustained at work. These must be clearly identified and recorded at the initial stage of the absence

DISCIPLINARY POLICY

1. The revised disciplinary policy and procedure redrafted to meet business objectives is appended.
2. The revised policy seeks to modernise the Council's approach to managing conduct and disciplinary issues through a policy based on the ACAS Code of practice and up to date good organisational practice and in line with case law development.
3. Key policy changes include:
 - greater emphasis on using the informal stage where appropriate for cases of minor misconduct
 - removes verbal warnings as a sanction
 - clarifies the timetable for dealing with disciplinary issues with greater emphasis on speedy resolution of cases
4. Formal consultation with HR, a senior managers' reference group and the trade unions, as well as regular reports to CDB, has informed the development of the policy.
5. Detailed management guidelines have been developed to support the policy implementation. Many of the outcomes of the consultation meetings have been fed into the management guidance and managers, HR and trade unions will continue to be consulted on the guidance. An implementation plan including communications and training has been developed.

DRAFT

Wolverhampton City Council



Human Resources Policy Framework Disciplinary Policy and Procedure

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<i>Review date:</i>	<i>xx.xx.2013</i>

CONSULTATION

The following officers and/or bodies have been consulted on this policy:

Officers and/or Bodies	From	To
HR	13.09.2012	30.10.2012
CDB	08.08.2012	30.10.2012
SEB	18.10.2012	
PGSS	30.10.2012	

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Unison	16.10.2012	06.11.2012
GMB	16.10.2012	06.11.2012
Unite	16.10.2012	06.11.2012

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13.11.2012	0.8	Redrafted following comments from SD	
03.10.2012	0.7	Redrafted following comments from CDB	
25.09.2012	0.6	Redrafted with comments from SD, JT, DP, LM	
12.09.2012	0.5	Redrafted with comments from SB, LM	
30.08.2012	0.4	Redrafted with comments from CDB and HR	
31.07.2012	0.3	AS	
18.07.2012	0.2	SB,VLH,LM,JF,AS	
11.07.2012	0.1	VLH	
09.07.1012	0.1	AS	
08.11.2011	0.1	HLP	

EQUALITY ANALYSIS

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COMMENTS AND AMENDMENTS

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DISTRIBUTION

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1. Policy Statement

- 1.1 The Council will use disciplinary procedures and sanctions to deal with situations where employees allegedly break disciplinary rules.
- 1.2 Disciplinary procedures may also be used where employees do not meet the Council's expectations in the way they do their job. In cases of unsatisfactory performance (or capability), the Council's capability policy and procedure will be used. If it is not clear which policy a management issue falls under, advice should be sought from Human Resources or by referring to the Managers' Guidance notes.
- 1.3 The disciplinary policy and procedure is designed to help and encourage employees to achieve and maintain standards of conduct and is necessary for ensuring a safe and efficient workplace and for maintaining good employment relations.
- 1.4 Employees have a statutory right to be accompanied by a trade union representative or work colleague at any formal meeting which could result in a sanction being issued or at an appeal hearing.
- 1.5 This policy and procedure is in line with ACAS (the Advisory, Conciliation and Arbitration Service) statutory Code of Practice on discipline and grievance.
- 1.6 Guidance notes about acceptable standards of conduct are available to employees and managers via the HR intranet site. It is the manager's responsibility to ensure that their employees understand these.
- 1.7 The Council will review this policy and procedure from time to time in line with statutory procedure and best practice.

2. Scope

- 2.1 This Policy and Procedure applies to all employees of the Council including Chief Officers and employees based in schools i.e. Teaching Assistants, but excludes Teachers covered by Schools' Disciplinary Policy & Procedure. The policy and procedure is designed to ensure prompt, reasonable and consistent treatment for all employees.
- 2.2 The policy also applies to recognised trade union representatives; however, in the event of an allegation being made against an accredited representative the full time official will be notified immediately.
- 2.3 If an employee is charged with or convicted of a criminal offence this is not normally in itself a reason for disciplinary action. Consideration needs to be given to what effect the charge or conviction has on the employee's suitability to do the job and the relationship with their employer, work colleagues and customers.

3. Principles

3.1 In applying this policy the Council will always:

- Establish the facts before taking action.
- Deal with cases of minor misconduct or minor performance issues informally in the first instance. For more serious cases, follow formal procedures, including informing the employee of the alleged misconduct.
- Invite the employee to a meeting and inform them of the right to be accompanied.
- In instances where an employee is given a warning, notify the employee why and how they need to change their conduct or behaviour and the consequences of failing to improve and that they have a right to appeal.
- If dismissing an employee, tell them why, when their contract will end and that they can appeal.
- Inform the employee about the appeal decision and the reasons for it.
- Maintain and keep written records for future reference.
- When dealing with absences from work, this will be managed under the Council's Management of Attendance Policy to determine the reasons for the absence before deciding on what action to take.

4. Process and Procedure

4.1 All parties will have the right to be accompanied by a work colleague or trade union representative at any formal meeting dealing with an allegation of misconduct which could result in a sanction being issued or at an appeal hearing.

Informal Action

4.2 Wherever possible cases of minor misconduct should be dealt with informally. Often a quiet word from the manager is all that is required to improve conduct or performance. In some cases additional support, coaching and advice may be necessary.

4.3 Managers should keep brief notes of any informal discussions within a manager's supervision file. These should be shared with employees including any agreed actions and managers should ensure that any agreed progress reviews take place as specified.

4.4 It may be appropriate to consider mediation at this stage depending on the nature of the disciplinary issue. This involves the appointment of a third-party mediator, who will discuss the issues raised by a disciplinary with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the disciplinary agree to this as a means to resolve the issues. Further information on resolving disciplinary issues using mediation based on ACAS guidance can be found in the Managers Guidance notes.

- 4.5 If informal action does not bring about an improvement or the misconduct is considered to be too serious to be classed as minor, it will be necessary to proceed to the formal stages of the Disciplinary Procedure.

Formal Action

- 4.6 This procedure is designed to establish the facts quickly and to deal consistently and fairly with disciplinary issues.

Step 1. The Investigation

- 4.7 Any employee alleged to have committed a disciplinary offence will be advised of the allegation in writing, invited to a meeting to discuss the matter further and be given the right to be accompanied by a trade union representative or work colleague.
- 4.8 In cases of alleged gross misconduct, there may be circumstances that require an individual to be suspended while the investigation is being conducted. The decision to suspend the employee on full pay or be temporarily transferred to some other area of work will be taken in consultation with HR following an assessment of the information available at that time. The determining factors would be: the nature of the breach of discipline; the potential for harm or other detriment to the Council or its employees from the continued presence on site of the individual under investigation; or that the continued presence on site would prejudice the investigation.
- 4.9 Management must investigate fully before any formal disciplinary action is taken. Further advice on the investigation process is available from HR in Managers Guidance Notes. The investigation should be completed promptly and without unreasonable delay by all parties.
- 4.10 No disciplinary action will be taken against an employee until the case has been fully investigated and the decision to proceed has been made by the appropriate Assistant Director or their nominee following consideration of an investigation report.

Step 2. The Disciplinary Hearing

- 4.11 The Disciplinary Hearing will be conducted by a Panel within 15 working days of the decision to proceed to a disciplinary hearing. The Panel will be chaired by an appropriate senior manager who has had no previous involvement in the case so far as is possible. This will normally be from the respective service, but in cases of potential gross misconduct it is likely to involve the relevant Assistant Director or their nominee, assisted by HR.
- 4.12 At the hearing the Investigating Officer will explain the complaint, go through the evidence that has been gathered and call any witnesses. The employee will in turn set out their case, ask questions, present

evidence and call any witnesses. Either party may request an adjournment at any time.

- 4.13 At the end of the hearing the Panel will adjourn to consider the investigation case, the employee's responses, the evidence produced and the gravity of the offence.
- 4.14 If the Panel decides that further information is needed before a decision can be made, a date to reconvene the hearing will be agreed.
- 4.15 The Chair of the Panel will notify the employee of the hearing outcome which will be confirmed in writing. The sanctions that may be decided upon are set out below.
- 4.16 Employees will be advised of their right of appeal against disciplinary sanctions and or outcomes of any sanction imposed. The exception to this would be where the employee is given an opportunity to be transferred to another post (see 4.23 below).
- 4.17 Except in cases of gross misconduct, no employee will be dismissed for a first breach of discipline.

Sanctions

- 4.18 In the event of the employee being found blameworthy following the disciplinary meeting, the following options will be considered.

First written warning

- 4.19 Issued for minor incidents of performance or conduct where the employee has been found blameworthy.
 - If deemed misconduct, the employee will be give a letter setting out the nature of the misconduct, and the change in behaviour required. It will also confirm that the warning is part of the formal disciplinary process and state what the consequences of failure to improve could be.
 - This warning will remain on file for a period of 12 months after which time it will be disregarded for disciplinary purposes provided that there have been no further incidents.

Final written warning

- 4.20 Issued for more serious breaches of discipline or where an employee's conduct does not meet the required standards despite all reasonable steps having been taken by their manager to help the employee improve following a formal warning.

- Will remain on file for period of 2 years after which time it will be disregarded for disciplinary purposes provided that there have been no further incidents.

Gross Misconduct

4.21 It is not possible to provide an exhaustive list; however the following are examples of conduct or behaviour which may constitute gross misconduct;

- Theft, fraud or deliberate falsification of records
- Physical violence
- Bullying, harassment, victimisation or discrimination on grounds of protected characteristics as defined in Equality Act 2010
- Deliberate damage to property
- Serious insubordination, failure to follow reasonable management instructions
- Misuse of Council property, equipment or brand name/reputation
- Bringing the Council into serious disrepute
- Incapability whilst at work caused by alcohol or illegal drugs
- Negligence which causes or might cause unacceptable loss, damage or injury
- Serious infringement of Health and Safety rules
- Serious breach of Information Governance rules and protocol
- Serious breach of confidence (subject to the Public Interest (Disclosure) Act 1998)
- Serious breach of the Council's policies which enforce its statutory obligations
- Unsatisfactory work performance (if a wilful act)

Dismissal or other penalty short of dismissal

4.22 For acts of gross misconduct or where, following a final written warning, there has been a further breach of discipline, the employee will be given the appropriate period of notice as set out in their conditions of service, unless the misconduct is so serious that summary dismissal is deemed appropriate.

4.23 In some cases the employer may be prepared to offer the employee a transfer to a single, specified and available post as an alternative to dismissal. This will usually be a demotion to a lower graded post and there will be no protection of pay and the employee will automatically serve a 6 month probationary period in the new post. Demotion to this post will remain in place for a minimum of 12 months and this sanction will remain on file for period of 2 years after which time it will be disregarded for disciplinary purposes provided that there have been no further incidents.

4.24 Should the Chair of the Disciplinary Panel be contemplating this sanction then the disciplinary hearing must be adjourned and the case discussed

with the Head of Human Resources before any job offer is made. If this sanction is approved and the employee agrees to this offer; the right of appeal will be removed. If the employee does not agree to an offer on these terms as an alternative to dismissal, then dismissal will take place and he/she will be informed of his/her right of appeal.

Summary dismissal

- 4.25 Will take place where there is deemed to be gross misconduct serious enough to undermine the contract between the employer and employee and make any further working relationship and trust impossible, in which case the employee will be dismissed without notice.

Information relating to Dismissal and Summary Dismissal

- 4.26 The employee will be provided with the following information in writing by HR:
- The reasons for the dismissal
 - The date on which the employment will terminate
 - The period of notice (if applicable)
 - The right of appeal
 - The time limit for submitting an appeal and the name of the person it should be sent to

Overlapping grievance and disciplinary cases

- 4.27 Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently. Further advice should be sought from HR.

Safeguarding Allegations

- 4.28 In circumstances where there are allegations of abuse or neglect against children or adults in a vulnerable situation, there must be a management discussion with the relevant Head of Safeguarding to decide whether it is necessary to conduct a disciplinary investigation alongside a safeguarding investigation. This decision will depend on the circumstances of each case.

Step 3. The Appeals Process

The Appeal

- 4.29 An employee is entitled to appeal against any formal sanction including dismissal (but excluding transfer to another post as an alternative to dismissal) in accordance with the disciplinary procedure, where they feel the disciplinary action taken against them is wrong or unjust. The employee will need to follow the process and timetable detailed below.

Appeals against first and final written warnings

- 4.30 These should be made in writing to the appropriate Assistant Director of the employee's Directorate within **5 working days** of written confirmation of the sanction.
- 4.31 The Assistant Director will nominate an appropriate senior manager, not previously involved in the case to hear the appeal, assisted by HR.

Outcome of Appeals Hearing

- 4.32 The following 3 options will be considered:
1. Disallowing the appeal and upholding the disciplinary sanction
 2. Disallowing the appeal and applying a lesser sanction
 3. Allowing the appeal, thereby overturning the decision and withdrawing the disciplinary sanction
- 4.33 The decision may be made following an adjournment, but in any case will be confirmed in writing by HR within 5 working days of the appeal hearing.
- 4.34 The decision of the Appeal Panel considering the appeal will be final and the employee will have no further internal right of appeal.

Appeals against Dismissal

- 4.35 The right of appeal against dismissal will be to the Human Resources Appeal Panel. The notice of intention to appeal against dismissal should be made in writing to the relevant Strategic Director within **5 working days** of written confirmation of dismissal.
- 4.36 The purpose of an appeal against dismissal is for an employee to have their case reviewed and to decide whether or not the sanction applied is fair, reasonable, consistent and soundly based.

Outcome of Appeal against Dismissal

- 4.37 The following 3 options will be considered:
1. Disallowing the appeal and upholding the dismissal sanction
 2. Disallowing the appeal and applying a lesser sanction
 3. Allowing the appeal, thereby overturning the decision and withdrawing the dismissal sanction

5. Roles and Responsibilities

Roles and Responsibilities of Employees

- 5.1 Employees have a responsibility to comply with all standards, codes and protocols which govern officers' conduct and behaviour. All those

persons referred to within the Scope of this policy are required to adhere to its terms and conditions. Failure to comply with this policy will be treated as breach of discipline and measures will be taken to enforce this policy.

Roles and Responsibilities of Managers

- 5.2 Managers have a responsibility to ensure that staff are aware of the Disciplinary Policy and sanctions for breaches.
- 5.3 Individual managers are responsible for ensuring that this policy is applied within their own area. Any queries on the application or interpretation of this policy must be discussed with HR prior to any action being taken for alleged breaches.

Roles and Responsibilities of HR

- 5.4 HR will provide operational support to the organisation to enable the effective handling of allegations of misconduct under this policy.

HR has a responsibility to:

- Produce and maintain managers guidance notes
- Provide support and guidance to managers and employees throughout the stages of this policy
- Ensure the communication, maintenance, regular review and updating of this policy
- Monitor and review delivery and impact of this policy.

Role of Head of HR

- 5.5 In consultation with the recognised Trade Unions, the Head of HR will exercise delegated authority for and be responsible for the ongoing review and updating of this Policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this policy will be brought before the Resources Panel for approval.

Role of Trade Unions

- 5.6 Any review and revisions of this policy will be undertaken by HR and will be in consultation with the Council's recognised trade unions.
- Trade Unions have a responsibility to represent members.

6. Monitoring and Training

- 6.1 The disciplinary policy and procedure will reviewed and updated annually and be available to managers and employees via the HR intranet.

7. Links to other Policies and Procedures

7.1 The Disciplinary Policy cannot be seen in isolation as it plays a key part in Corporate Governance, Performance and Business Management, it is closely linked with the following strategies and policies:

- Grievance Policy
- Capability Policy
- Bullying & Harassment (Dignity & Work) Policy
- Social Networking Policy
- HR Information Governance Policy
- Safeguarding Adult Policy
- Safeguarding Children Procedures

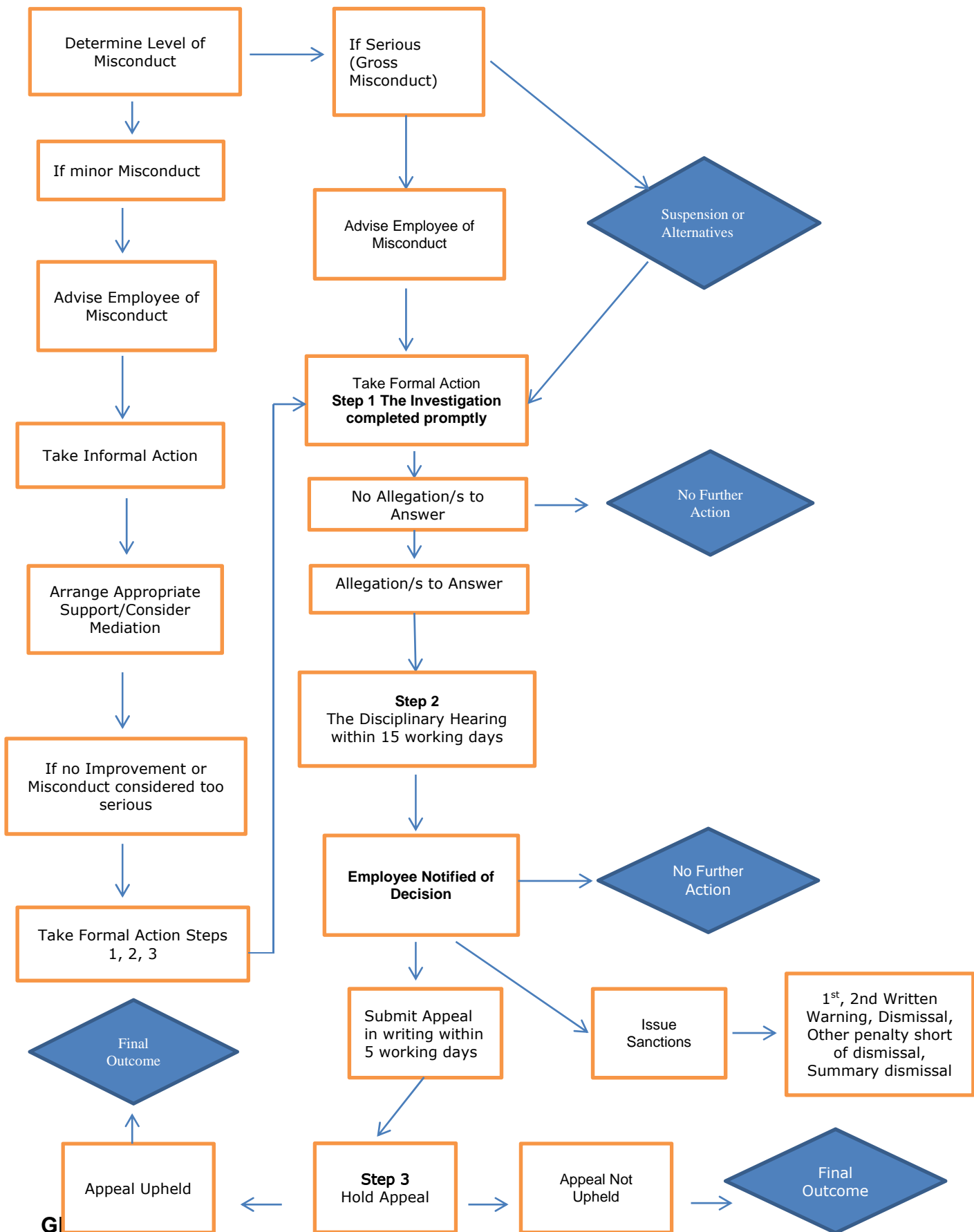
8. Equality

8.1 An Equality Analysis has been carried out on this policy and procedure.

8.2 The Council has a duty to monitor the application of the policy in relation to protected characteristics under the Equality Act 2010. This is reported annually in the Council's Equality Monitoring Report.

8.3 If any aspect of the disciplinary procedure causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with HR, who will make appropriate arrangements.

9. Disciplinary Process Chart Appendix 1



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Disciplinary

In order to operate effectively, the Council needs to set standards for performance and conduct. Cases of minor misconduct or unsatisfactory performance are usually best dealt with informally. The disciplinary investigation will deal with issues promptly, fairly and consistently. The Council's disciplinary procedures exist to help and encourage all employees to achieve and maintain high standards of conduct, attendance and job performance and to ensure fair and consistent treatment for all.

Informal Action

Disciplinary matters are best dealt with at an early stage, informally by the immediate line manager. This gives everyone involved a chance to resolve matters effectively before they escalate. Wherever possible, cases of minor misconduct should be dealt with informally.

Mediation

Mediation is a voluntary, confidential process where a neutral person (the mediator) can talk to both sides separately or together. Mediators do not make judgments or determine outcomes - they ask questions that help to uncover underlying problems, assist the parties to understand the issues and help them to clarify the options for resolving their difference or dispute.

Formal Action

It is not always possible to resolve matters on an informal basis, and this is when it becomes important to have a formal procedure for handling disciplinary issues. This formal procedure should always be the last resort when other attempts have failed or considered inappropriate. The formal procedure requires an investigation into the allegation/s followed by a hearing which may result in sanctions being issued. The employee will be entitled to appeal this decision.

Investigating Officer

A disciplinary investigation will be undertaken by an Investigating Officer to determine all the facts in a timely manner. Once the investigation is complete, the Assistant Director or nominee will consider the outcome of the investigation report and consider whether the matter should be referred to a disciplinary hearing.

Disciplinary Hearing

A disciplinary hearing is a meeting that deals with any conduct issues concerning an employee. The hearing follows an investigation which gathers all the facts pertaining to allegation/s of misconduct. The employee at this hearing will be given an opportunity to state their case in response to the allegation/s and present any evidence in support of this.

Appeal

Where an employee feels that the outcome and/or sanction issued following the hearing is inappropriate they have the right to appeal this decision. For a sanction short of dismissal, the employee should let their Assistant Director know the grounds for their appeal in writing in accordance with this policy. If the appeal is against dismissal then this will be heard by the Human Resources Appeal Panel and the intention to appeal should be made in writing to the relevant Strategic Director. The appeal will be heard without unreasonable delay and the arrangements for this will be notified to the employee in advance. The outcome of the Appeal will be final.

GRIEVANCE POLICY

1. The revised grievance policy and procedure redrafted to meet business objectives is appended.
2. The revised policy seeks to modernise the Council's approach to managing grievance issues through a policy based on the ACAS Code of practice and up to date good organisational practice and in line with case law development.
3. Key policy changes include:
 - greater emphasis on using the informal stage
 - greater emphasis on the use of mediation as a means of resolving issues
 - the expectation that both manager and employee will have sought to resolve issues informally before moving to the formal process.
 - clarifies the timetable for dealing with grievance issues with greater emphasis on speedy resolution of cases
 - clarifies those issues which can not be dealt with as a grievance
4. Formal consultation with HR, a senior managers' reference group and the trade unions, as well as regular reports to CDB, has informed the development of the policy.
5. Detailed management guidelines have been developed to support the policy implementation. Many of the outcomes of the consultation meetings have been fed into the management guidance and managers, HR and trade unions will continue to be consulted on the guidance. An implementation plan including communications and training has been developed.

DRAFT

Wolverhampton City Council



Human Resources Policy Framework

Grievance Policy and Procedure

Approved by:	<i>Cabinet Resources Panel (27.11.2012)</i>
<i>Published:</i>	<i>xx.xx.2012</i>
<i>Review date:</i>	<i>xx.xx.2013</i>

CONSULTATION

The following officer and or bodies have been consulted on this policy:

Officers and or Bodies	From	To
HR	13.09.2012	30.10.2012
CDB	08.08.2012	30.10.2012
SEB	18.10.2012	
PGSS	30.10.2012	

The following Trade Unions have been consulted on the policy

	From	To
Unison	16.10.2012	06.11.2012
GMB	16.10.2012	06.11.2012
Unite	16.10.2012	06.11.2012

REVIEW LOG

Date	Version	Comments/Review	Approved by
01.10.2012	0.5	Redrafted following moderation	
30.08.2012	0.4	Redrafted with comments from CBD and HR	
31.7.2012	0.4	VLH	
17.7.2012	0.3	VLH	
10.7.2012	0.2	AS	
09.07.2012	0.2	Additional comments from VLH	
21.05.2012	0.2	Redrafted with comments from HR and ADs	

EQUALITY ANALYSIS

An equality analysis has been carried out on this policy and procedure. Contact HR Strategy and Policy Team for a copy. Contact HR on 01902 552345 or by email on ***HR.servicedesk@wolverhampton.gov.uk*** for HR advice.

ADVICE

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1. Policy Statement

- 1.1 Wolverhampton City Council (the Council) is committed to treating all employees fairly and with respect. If an employee is unhappy about the treatment they have received or about any aspect of their work, they should discuss this with their line manager, who will attempt to resolve the situation on an informal basis. If the employee feels unable to approach their line manager they should contact HR who will advise them on a way of dealing with the matter.
- 1.2 Where attempts to resolve the matter informally have not worked, it may be appropriate for an employee to raise a complaint as a formal grievance under this procedure. A formal grievance should be concerned with the way an employee has been treated by the Council or managers acting on its behalf.
- 1.3 If a complaint from an employee relates to bullying or harassment, the matter should be dealt with under the Bullying and Harassment (Dignity At Work) procedure.
- 1.4 Complaints that amount to an allegation of misconduct on the part of another employee will be investigated and where appropriate dealt with under the disciplinary procedure. The employee who raised the complaint will be informed of the outcome.

2. Scope

- 2.1 This Policy and Procedure applies to all employees of the Council, and shall be followed in respect of all grievances of individual employees, including Chief Officers and employee's based in schools i.e. Teaching Assistants, but excludes, Teachers covered by Schools Grievance Policy & Procedure
- 2.2 Grievances may be concerned with a wide range of employment issues, including the allocation of work, working environment or conditions, or the way in which they are managed, but do not include matters already covered by another policy or procedure. Issues that are the subject of collective negotiation or consultation with a trade union will not be considered under the grievance procedure.
- 2.3 If an employee wishes to make a complaint about disciplinary action taken against them, this will not be dealt with as a grievance but as an appeal under the disciplinary procedure.

2.4 Exclusions

Matters which are excluded from being dealt with under this procedure are:

- Matters dealt with under this procedure during the preceding six months.
- Salary grading's and differentials.
- Matters connected with an employee's unsatisfactory performance or conduct, where the employee has already been notified of an interview, investigation or formal hearing concerning that matter.
- Matters which are already covered by a policy or procedure, or which have policy implications for the HR function.
- Allegations of bullying, discrimination or harassment.
- Matters over which the employer has no control.
- Grievances which are the subject of, or appropriate to, a collective dispute between the employer and the trade union.
- The issues detailed above may be dealt with by Cabinet or Cabinet (Resources) Panel, or be subject to other procedures already in place.

3. Principles

3.1 The Council is committed to the following principles, which underpin this policy:

- A formal grievance should only be raised where attempts to resolve a complaint informally have been unsuccessful.
- Supporting and resourcing mediation to encourage informal resolution of grievance.
- A formal grievance will be accepted only where it can be evidenced that an employee has fully engaged in attempts to resolve the complaint informally.
- The formal procedure will commence only when it can be evidenced that attempts by the manager to resolve the issue informally have been exhausted, and the complaint remains unresolved.
- There is commitment from both the employee and the manager not to unreasonably delay any stage of the grievance process.
- The procedure related to this policy is underpinned by guidance and support from Human Resources (HR) for managers and employees along with support and appropriate development tools.

3.2 The organisation recognises that a formal grievance procedure can be a stressful and upsetting experience for all parties involved and will expect everyone involved to be treated with respect. Abusive or insulting behaviour from anyone taking part in or conducting the grievance procedure may be treated as misconduct under the disciplinary procedure.

3.3 Malicious or Vexatious Complaints

An employee who makes a complaint that he/she knows to be untrue, or who gives evidence that he/she knows to be untrue, may be subject to disciplinary action.

4. Procedure

Informal Complaint

- 4.1 There is an expectation that employees and managers engage and make efforts to resolve a complaint at the lowest level before the complaint is considered to be a formal grievance.
- 4.2 The line manager should seek to resolve issues raised by employees at work informally as part of their day-to-day management responsibilities. The informal process should seek to encourage both parties to improve communication and working relationships.

Mediation

- 4.3 It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of a grievance. This involves the appointment of a third-party mediator, who will discuss the issues raised by a grievance with all of those involved and seek to facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree to this as a means to resolve the issues. ACAS 2011 Guidance on using mediation for disciplinary issues can be found in the Managers Guidance notes.

Formal Complaint – Stage 1

- 4.4 The first stage of the formal grievance procedure is for an employee to put their complaint in writing. The written statement will form the basis of the subsequent hearing and any investigations, so it is important that it sets out the nature of the grievance and indicate the outcome that an employee is seeking. If the nature of a grievance is unclear, clarification will be sought from the complainant before any meeting takes place.
- 4.5 The written submission should be headed "formal complaint" and sent via the employee's line manager. Where this is not possible (i.e. if the nature of the complaint concerns that manager) then further advice should be sought from HR.
- 4.6 A meeting will be held to discuss the complaint and establish the facts. At this meeting it may be possible to resolve the grievance, reject or uphold the grievance. Depending upon the seriousness and the complexity of the case a formal investigation may be required. Where this is the case the meeting should be adjourned pending a formal

investigation and the employee should be informed of this and the likely timescales.

- 4.7 Where the grievance has been rejected the employee will have the right of appeal as outlined in paragraph (paragraph number).
- 4.8 Where an investigation is required then an Investigating Officer may be appointed. This can occur at any stage of the formal grievance process where it is seen as necessary or appropriate and this will be dependent on the nature and circumstances surrounding the complaint.
- 4.9 The manager or appointed Investigating Officer will compile a report containing a summary of their findings and details of any witnesses interviewed; where appropriate this should include any interview notes.
- 4.10 Subject to the need to carry out investigations, a hearing will be arranged as soon as is reasonably practicable and ideally within 15 working days of the receipt of the original grievance. The meeting will be conducted by the complainant's line manager and attended by an HR representative.
- 4.11 Following the meeting, the employee will be informed in writing of the outcome within 7 working days and advised of any action that the Council proposes to take as a result of the grievance. It may be appropriate for the employee to discuss the outcome informally with either the line manager or HR representative.
- 4.12 If an employee is dissatisfied with the outcome, they may make a formal appeal.

Formal Appeal – Stage 2

- 4.13 An appeal should be made in writing by the employee to the manager who conducted the initial grievance hearing/HR representative. The employee should clearly state the grounds of the appeal i.e. the basis on which they believe the outcome of the grievance to be wrong or the action taken as a being inappropriate. This should be done within 7 working days of the written notification of the outcome of the grievance.

An appeal meeting will be arranged to take place within 15 working days of the submission of the formal appeal and will be dealt with impartially and where ever possible by a more senior manager who was not previously involved in the case. The employee will be advised within 7 working days of the outcome.

If the grievance is not upheld, HR will support the employee who has submitted the grievance and line manager(s) in making arrangements to continue or resume working and to help repair working relationships. If the employee who made the grievance is established to have been malicious or vexatious in taking the action then the manager with the support of HR will consider whether disciplinary proceedings should be initiated.

Final Appeal – Stage 3

- 4.14 The right of appeal against dismissal will be to the Human Resources Appeal Panel. The notice of intention to appeal against grievance outcome should be made in writing to the relevant Strategic Director within **5 working days** of written confirmation of dismissal.
- 4.15 The purpose of an appeal against grievance is for an employee to have their case reviewed and to decide whether or not the decision reached is fair, reasonable, consistent and soundly based.

The Right to be Accompanied

- 4.16 All parties will have the right to be accompanied by trade union representative or work colleague at any meeting dealing with the complaint.
- 4.17 Where the employee's fellow work colleague or trade union representative or work colleague is unavailable on the day scheduled for the hearing it will be rescheduled, provided that the employee proposes an alternative time within 7 working days of the scheduled date.

Failure to Attend a Hearing

- 4.18 If an employee fails to attend a grievance hearing, the hearing will generally be re-scheduled only once. The employee will be required to provide valid reasons for non-attendance. If the employee is still unable to attend, a rescheduled grievance hearing, the hearing will go ahead in their absence. The information provided in the employees' grievance statement, any information relating to the investigation and the investigation report submitted by the investigation officer will be used to conduct the hearing and any decisions made at the hearing will be made on the information available to the panel at the time of the hearing.

Overlapping Policies – Grievance and Disciplinary Cases

- 4.19 Where the grievance and disciplinary cases are related, it may be appropriate to deal with both cases concurrently. In these circumstances managers should seek advice from HR.

Confidentiality

- 4.20 Confidentiality should be maintained throughout the grievance process, and all parties involved in the grievance process should adhere to this.

5. Roles and Responsibilities

Roles and Responsibilities of Employees

5.1 Employees at all times should treat each other with dignity and respect. However if the employee raises a grievance they will:-

- Give full details of their grievance in writing
- Co-operate and be willing to resolve their complaint at the informal stage
- Where the grievance cannot be resolved at the informal stage the right to state the grounds of their grievance at the grievance hearing. This should include stating how the employee wishes for the grievance to be resolved.
- Will have the right to be accompanied to a hearing by a trade union representative or work colleague.
- Follow this procedure.
- Not to knowingly take out a malicious or vexatious grievance against another employee (including agency staff), manager or contractor working for the Council.

Roles and Responsibilities of Managers

5.2 Managers should treat their teams with dignity and respect.

5.3 Managers should be aware of their responsibilities under these procedures and should seek to resolve any grievances that may arise at the lowest level.

5.4 Under these procedures managers have a responsibility to:-

- Seek to resolve grievances at the informal stage before proceeding to the formal stage
- Where the matter cannot be resolved investigate all complaints including interviewing any witnesses
- Undertake any necessary investigation including interviewing witnesses before the hearing so that the full facts are available at any grievance hearing.
- Inform the employee that they have a right to be represented/accompanied at the hearing by either a trade union representative or work colleague
- Arrange grievance hearings with the employee in line with the timescales specified in this policy. This includes advising the employee of the outcome.

Roles and Responsibilities of HR

5.5 HR will provide operational support to the organisation to enable the effective handling of grievances. Under this policy HR has responsibility to provide a Managers Guidance Notes:-

- Provide support and guidance to managers throughout the stages of this policy.
- Ensure the communication, maintenance, regular review and updating of this policy.
- To assess compliance and effectiveness.
- Monitor and review the delivery and impact of the policy

Role of Head of HR

- 5.6 In consultation with the recognised Trade Unions, The Head of HR will exercise delegated authority for and be responsible for the ongoing review and updating of this Policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this policy will be brought before the Resources Panel for approval.

Role of Trade Unions

- 5.7 Any review and revisions of this policy will be undertaken by HR and will be in consultation with the Council's recognised trade unions.
- Trade Unions have a responsibility to represent members.

6. Monitoring and Review

- 6.1 The grievance policy and procedure will be reviewed and updated annually and be available to managers and employees via the HR intranet.

7. Links to Other Policies and Procedures

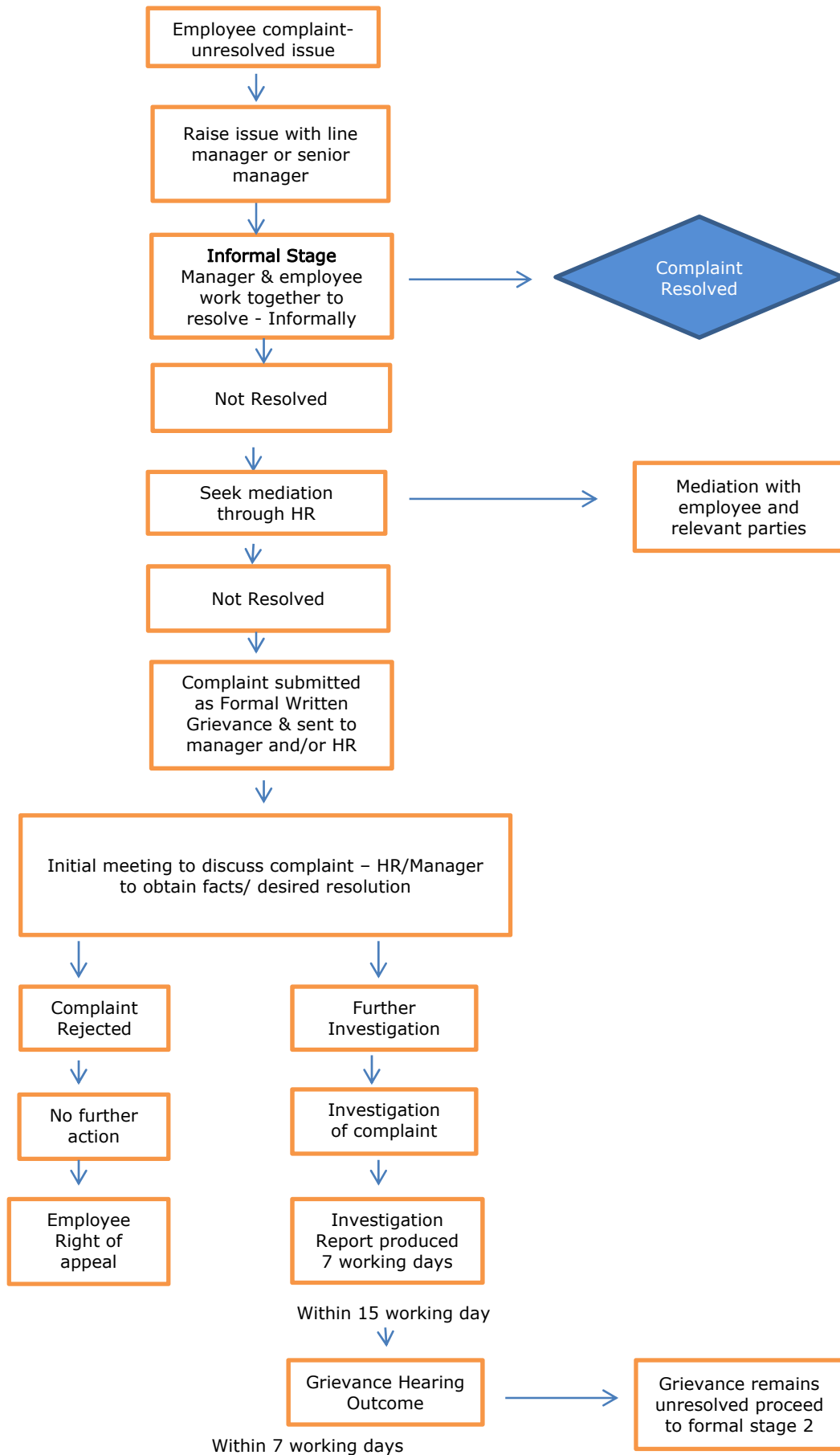
- Disciplinary Policy and Procedure
- Equal Opportunities Policy
- Dignity at Work Policy and Procedures
- Domestic Violence Policy and Procedures
- Capability Policy and Procedure
- Management of Attendance
- Whistleblowing Policy and Procedures

8. Equality

- 8.1 An equality Analysis will be/has been taken on this policy and procedure.
- 8.2 The Council has a duty to monitor the application of the policy in relation to protected characteristics under the Equality Act 2010. This is reported annually in the Council's Equality Monitoring Report.

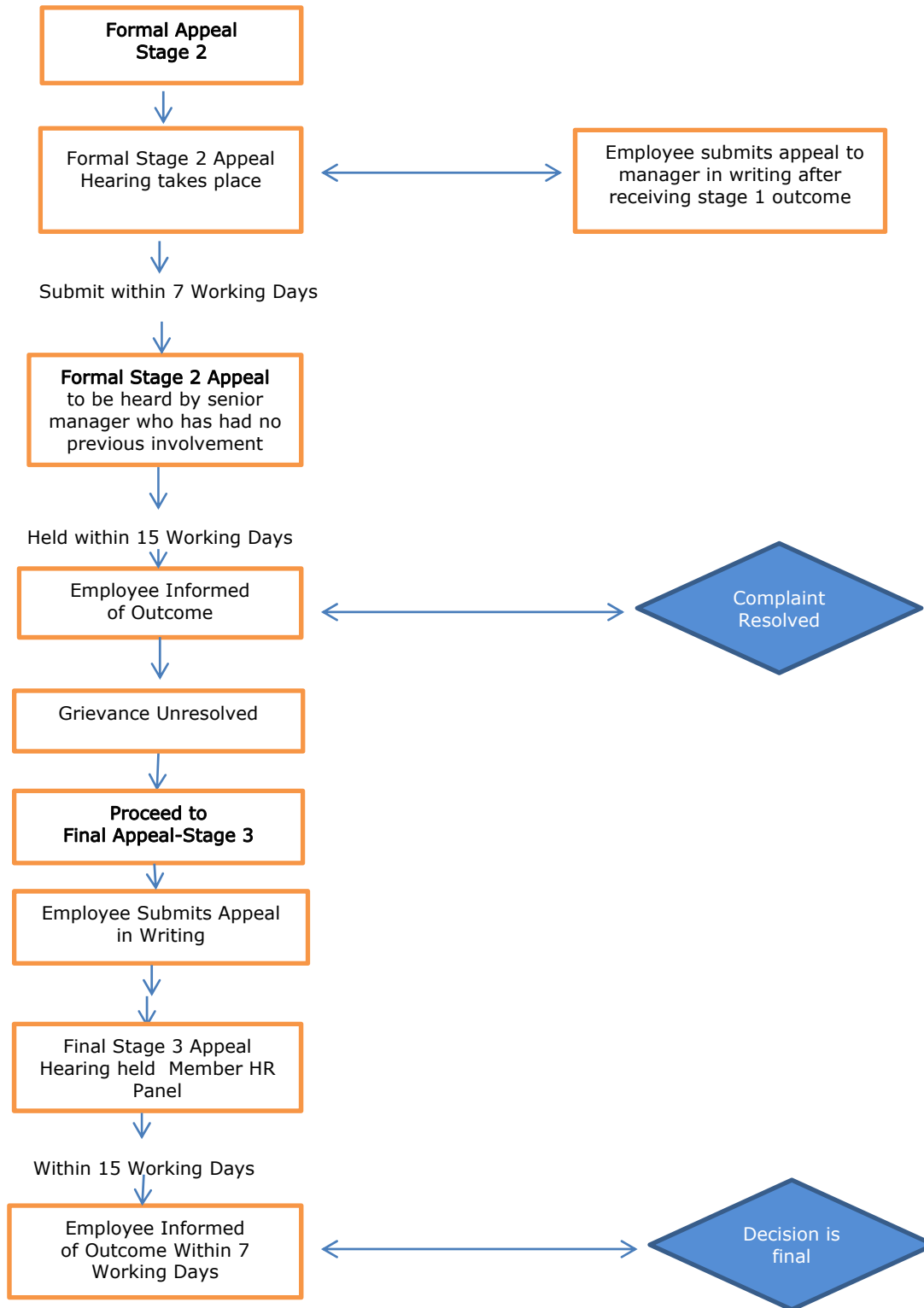
- 8.3 If any aspect of the grievance procedure causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with HR, who will make appropriate arrangements.

GRIEVANCE PROCESS CHART Appendix 1



GRIEVANCE PROCESS CHART Cont. Appendix 1

If after stage 1 the employee is not satisfied with the outcome of the stage 1 grievance hearing then they should follow stage 2 of the grievance process



Glossary

Grievance Complaint:

Grievances are concerns, problems or complaints raised by a staff member. Any worker may at some time have problems or concerns with their work, working conditions health and safety or relationships with colleagues or management, organisational change or discrimination that they wish to raise with management.

Informal Procedure:

Grievances are best dealt with at an early stage, informally, with the immediate line manager. This gives everyone involved a chance to resolve matters effectively before they escalate.

Formal Procedure

It is not always possible to resolve matters on an informal basis, and this is when it becomes important to have a formal procedure for handling grievances. This formal procedure should always be the last resort when other attempts have failed, and not the first option.

The formal procedure requires the employee in question to submit a letter to their employer setting out the details of the grievance. They will then be invited to a meeting to discuss the issue, and be entitled to appeal the decision.

Mediation:

Mediation is a voluntary, confidential process where a neutral person – the mediator – who works with people who have a disagreement to help them find their own solution and reach agreement that will sort out their problem or improve the situation. The mediator can talk to both sides separately or together. Mediators do not make judgments or determine outcomes - they ask questions that help to uncover underlying problems, assist the parties to understand the issues and help them to clarify the options for resolving their difference or dispute.

The overriding aim of workplace mediation is to restore and maintain the employment relationship wherever possible. This means the focus is on working together to go forward, not determining who was right or wrong in the past.

Many kinds of dispute can be mediated if those involved want to find a way forward. It can be used at any stage in a dispute but is most effective before positions become entrenched.

Investigation / Investigating Officer:

A grievance investigation normally takes place after the employee has explained his/her grievance at a grievance hearing. The hearing is normally adjourned so that the investigation can take place. Once the investigation is complete the hearing will be reconvened so that the findings can be discussed with the employee.

The investigation is usually conducted by the manager hearing the grievance; however in certain cases the investigation may be carried out by another investigation officer.

It is the responsibility of the Investigating Officer to gather all the relevant facts promptly, establish the exact nature of the grievance and the evidence to substantiate or refute this and summarise the findings in an investigation report which will be used to present evidence when the grievance hearing is reconvened after the investigation.

Grievance Hearing:

A grievance hearing is a meeting that deals with any grievance raised by an employee. Grievances are concerns, problems or complaints raised by a staff member. Any worker may at some time have problems or concerns with their work, working conditions or relationships with colleagues that they wish to raise with management.

Appeal:

Where an employee feels that their grievance has not been satisfactorily resolved they should appeal. They should let their manager know the grounds for their appeal without unreasonable delay and in writing. The Appeal will be heard impartially and without unreasonable delay and at a time and place which will be notified to the employee in advance.

BULLYING AND HARASSMENT POLICY

1. The revised bullying and harassment policy and procedure redrafted to meet business objectives is appended.
2. The revised policy seeks to ensure the Council's approach to managing complaints of bullying and harassment is based on the ACAS Code of practice and up to date good organisational practice and in line with case law development. The policy follows the Bullying and Harassment Scrutiny Review in early 2012.
3. Key policy changes include:
 - provides a discreet route for complaints of bullying and harassment to be raised and investigated by the organisation in line with the ACAS code
 - clarifies the relationship between the outcome of a complaint investigation and the disciplinary process
 - places greater emphasis on the use of mediation as a means of resolving issues where appropriate
 - clarifies the timetable for dealing with complaints with greater emphasis on speedy resolution of cases
4. Formal consultation with HR, a senior managers' reference group and the trade unions, as well as regular reports to CDB, has informed the development of the policy.
5. Detailed management guidelines have been developed to support the policy implementation. Many of the outcomes of the consultation meetings have been fed into the management guidance and managers, HR and trade unions will continue to be consulted on the guidance. An implementation plan including communications and training has also been developed.

DRAFT

Wolverhampton City Council



Human Resources Policy Framework

Bullying and Harassment (Dignity at Work) Policy and Procedure

Approved by:	<i>Cabinet Resources Panel (27.11.2012)</i>
<i>Published:</i>	<i>xx.xx.2012</i>
<i>Review date:</i>	<i>xx.xx.2013</i>

CONSULTATION

The following officers and/or bodies have been consulted on this policy:

Officers and/or Bodies	From	To
HR	13.09.2012	30.10.2012
CDB	08.08.2012	30.10.2012
SEB	18.10.2012	
PGSS	30.10.2012	

The following Trade Unions have been consulted on this policy:

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Unison	16.10.2012	06.11.2012
GMB	16.10.2012	06.11.2012
Unite	16.10.2012	06.11.2012

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Date	Version	Comments	Approved by
02.10.2012	0.6	Following moderation - LH	
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02.08.2012	0.4	VLH	
30.07.12	0.3	VLH	
10. 07.2012	0.2	VLH revisions/ comments	
14.05.2012	0.1	Redrafted with comments from HR and Ads	

EQUALITY ANALYSIS
An equality analysis has been carried out on this policy and procedure. Contact HR Strategy and Policy Team for a copy. Contact HR on 01902 552345 or by email on <i>HR.servicedesk@wolverhampton.gov.uk</i> for HR advice.

ADVICE
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1. Policy Statement

- 1.1 Wolverhampton City Council (the Council) is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.
- 1.2 We recognise that harassment and bullying can have serious consequences for employees and the organisation. Harassment or bullying may make people unhappy, can cause stress, affect their health and wellbeing, family and social relationships, as well as have an impact on their performance at work.
- 1.3 The effects on the organisation can include loss of morale, poor work performance, and increased turnover of staff, legal claims and damage to the Council's reputation.

2. Scope

- 2.1 This policy and procedure applies to all employees of the Council, and shall be followed in respect of all grievances of individual employees, including Chief Officers and employees based in schools i.e. Teaching Assistants, but excludes, and teachers covered by the Schools' Bullying and Harassment policy & procedure
- 2.2 The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. at conferences and training courses or work-related social events.
- 2.3 The Council recognises that bullying and harassment takes place internally by colleagues and by third parties i.e. contractors, workers, service users, and is committed to alleviate any form of bullying and harassment and will use this policy and procedure to this end.
- 2.4 Matters which are excluded from being dealt with under this procedure are:
 - Matters dealt with under this procedure during the preceding six months.
 - Salary gradings and differentials.
 - Matters connected with an employee's unsatisfactory performance or conduct, where the employee has already been notified of an interview, investigation or formal hearing concerning that matter.
 - Matters which are already covered by a policy or procedure, or which have policy implications for the HR function.
 - Matters over which the employer has no control.
 - Grievances which are the subject of, or appropriate to, a collective dispute between the employer and the trade union.
 - The issues detailed above may be dealt with by Cabinet or Cabinet (Resources) Panel, or be subject to other procedures already in place.

3. Principles

- 3.1 All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under the Council's disciplinary policy. Bullying or harassment will often be gross misconduct, which can lead to dismissal without notice.
- 3.2 The following principles underpin this policy and outline the expected behaviour from all employees of the Council.
- The Council will not tolerate bullying and harassment from any employee of any kind
 - This includes victimisation of any employee for making allegations of bullying or harassment in good faith or for supporting someone to make such a complaint
 - Victimisation will be treated as a disciplinary offence and will result in disciplinary action
 - Allegations of bullying and harassment will be investigated and, if the grounds of the allegation(s) can be substantiated, disciplinary action will be taken
 - Employees are advised that in serious cases this may lead to civil or criminal action and such action could lead to dismissal
 - Bullying or harassment may constitute unlawful discrimination where it relates to one of the protected characteristics (see glossary).

Malicious or Vexatious Complaints

- 3.3 An employee who makes a complaint that he/she knows to be untrue, or who gives evidence that he/she knows to be untrue, may be subject to disciplinary action.

4. Procedure

Informal Action

- 4.1 There is an expectation that employees and managers engage and make efforts to resolve a complaint at the lowest level before the complaint is escalated to the formal stages of the procedure. Wherever possible, cases of minor misconduct should be dealt with informally. An informal discussion may help an employee to understand that the effects of his/her behaviour are unwelcome or upsetting and resolve to change it.
- 4.2 The employee raising the concern may feel able to approach the person personally, or with the help of a manager or Human Resources (HR) officer, trade union representative or another employee. Alternatively, an initial approach could be made on behalf of the employee by one of these individuals.

- 4.3 The employee and/or the individual approached should tell the person concerned what behaviour they find offensive and unwelcome, and that it should stop immediately. They should keep a note of the date and what was said and done in case the unacceptable behaviour continues and it becomes necessary to make a formal complaint.

Mediation

- 4.4 Mediation may be an appropriate way to resolve the complaint as part of the informal process, if both parties agree to use it. A third-party (mediator) can help the alleged harasser to understand the impact of their actions and behaviour on the complainant, and seek to facilitate a resolution.
- 4.5 If an informal approach does not resolve matters, or the situation is too serious to be dealt with informally, a formal complaint should be made using the Bullying and Harassment (Dignity at Work) procedure.

Formal Action

- 4.6 A formal complaint of Bullying and Harassment can be raised with the line manager, their manager or directly with HR. The bullying and harassment complaint form is attached at Appendix 1. All complaints must be submitted using this form.
- 4.7 If the complaint had been raised but not resolved through the informal process, the formal complaint should include the reason why the outcome was not satisfactory.
- 4.8 All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser.
- 4.9 The line manager or the officer appointed to investigate the allegation(s) will undertake to commence an investigation into the allegation(s) made. The complaint will be acknowledged within 10 working days of being received. The complainant and the alleged harasser will be informed in writing that the investigation will be completed within 12 weeks.
- 4.10 As part of the investigation the line manager or investigating officer will interview the complainant, the alleged harasser and any witnesses to establish the facts.
- 4.11 Records of investigative interviews will be kept and used to assist the line manager to establish the facts and will allow the line manager to decide if there is a case to answer to and if so what action should be taken.
- 4.12 Upon completion of the investigation the line manager or investigating officer will advise management and HR of the findings from the investigation. This will determine if further action will be taken.

- 4.13 If the investigation findings do not support the allegation(s) of misconduct no further action will be taken.
- 4.14 In the event of a finding that the allegation does not constitute misconduct and the complainant feels that their complaint has not been dealt with satisfactorily, the complainant shall have the right of review under this policy. The complainant shall put their reasons in writing within 7 working days of the outcome from the investigation to the line manager (as appropriate). They should provide justifiable reasons why they believe this to be the case. An appeal/review panel will be arranged within 15 working days and shall consist of two senior managers, and a HR representative. If after review, alleged misconduct is found to have occurred, the alleged harasser will be subject to disciplinary action. If misconduct is not found, then no further action will be taken. The decision from the review panel will be final.
- 4.15 If after completion at the investigation stage or as a result of the outcome from the appeal/review panel, the allegation constitutes misconduct the alleged harasser will be advised in writing that they will be subject to disciplinary action.
- 4.16 If it is considered that misconduct has taken place; disciplinary action will be taken in line with the Council's disciplinary policy and disciplinary hearing will be called.
- 4.17 In cases of gross misconduct the sanction will be dismissal in accordance with the Council's disciplinary procedure.
- 4.18 The right of appeal against any disciplinary sanction issued shall be in accordance with the Council's disciplinary procedure.
- 4.19 The complainant will be kept informed of the general progress of the process of investigation and the outcome of any disciplinary proceedings.
- 4.20 The Council will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure. Information may be disclosed to managers on a "need to know" basis.
- 4.21 If the complaint is upheld, and the person found to have carried out the bullying or harassment remains in the Council's employment, every effort will be made if it can be accommodated to ensure that, if possible, the complainant does not have to continue to work alongside the harasser.
- 4.23 If the complaint is not upheld, HR will support the complainant, the alleged harasser and line manager(s) in making arrangements to continue or resume working and to help repair working relationships.

- 4.24 An employee who makes a bullying or harassment allegation that he/she knows to be untrue, or who gives evidence that he/she knows to be untrue, may be subject to disciplinary action.
- 4.25 Employees have the right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, an employee who makes a complaint that he/she knows to be untrue, which is malicious or vexatious, may be subject to disciplinary action.

Right to be Accompanied

- 4.26 All parties will have the right to be accompanied by trade union representative or work colleague at any meeting dealing with the complaint.
- 4.27 Where the employee's trade union representative or work colleague is unavailable on the day scheduled for the hearing it will be rescheduled, provided that the employee proposes an alternative date within 5 working days of the scheduled date.

5. Roles and Responsibilities

Roles and Responsibilities of Employees

- 5.1 All employees have a responsibility to help create and maintain a work environment free of bullying and harassment by:
- Treating colleagues with dignity and respect
 - Being aware of how behaviour may affect others
 - Making it clear that harassment and bullying are unacceptable
 - Making it clear to others when their behaviour is unacceptable
 - Intervening possibly to stop harassment or bullying and giving support to victims
 - Report harassment or bullying to a manager or HR and supporting the organisation in the investigation of complaints
 - If a complaint of harassment or bullying is made, not prejudicing or victimising the complainant or alleged harasser.
 - Not to knowingly make a malicious or vexatious bullying or harassment allegation against another employee (including agency staff), manager or contractor working for the Council.

Roles and Responsibilities of Managers

- 5.2 Managers have a particular responsibility to:
- Treat colleagues with dignity and respect
 - Set a good example by their own behaviour
 - Ensure that there is a supportive working environment
 - Make sure that staff and contractors know what standards of behaviour are expected of them

- Intervene to stop bullying or harassment
- Report promptly to HR any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them
- Investigate and manage complaints in line with this policy

Roles and Responsibilities of HR

- 5.3 Under this policy, HR will provide operational support to the organisation to enable the effective handling of allegations of bullying and harassment.

HR has a responsibility to:

- Produce and maintain managers guidance notes
- Provide support and guidance to managers and employees throughout the stages of this policy.
- Ensure the communication, maintenance, regular review and updating of this policy
- Monitor and review delivery and impact of this policy.

5.4 Role of Head of HR

In consultation with the recognised Trade Unions, the Head of HR will exercise delegated authority for and be responsible for the ongoing review and updating of this Policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this policy will be brought before the Resources Panel for approval

Role of Trade Unions

- 5.5 Any review and revisions of this policy will be undertaken by HR and will be in consultation with the Council's recognised trade unions.

6.0 Training and Awareness

- 6.1 The Council will provide appropriate training and information to employees and others engaged in work within the Council to help them understand their rights and responsibilities under this policy and what they can do to help create a working environment free of bullying and harassment.

- 6.2 The Council will provide training and development to managers to enable them to deal with complaints of bullying and harassment.

7. Monitoring and Review

- 7.1 The bullying and harassment policy and procedure will reviewed and updated annually and be available to managers and employees via the HR intranet.

8. Links to Other Policies

8.1 This policy should be read alongside the following policies:

Disciplinary Policy and Procedures
Grievance Policy and Procedures
Equal Opportunities Policy

9. Equality

9.1 An Equality Analysis has been carried out on this policy and procedure.

9.2 The Council has a duty to monitor the application of the policy in relation to protected characteristics under the Equality Act 2010. This is reported annually in the Council's Equality Monitoring Report.

9.3 If any aspect of the Bullying and Harassment (Dignity at Work) procedure causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with HR, who will make appropriate arrangements.

Appendix 1

BULLYING AND HARASSMENT (DIGNITY AT WORK) COMPLAINT FORM

EMPLOYEE COMPLAINT

This form is intended for use by any employee of the Council who wants to make a formal complaint about the behaviour of a colleague, his/her manager or a third party on the grounds that it constitutes bullying or harassment.

Employees should bear in mind before using this form they can request that the matter be dealt with in an informal manner by a manager. Where the employee requests that the complaint be dealt with informally, an appropriate person (as determined by HR) will discuss the matter with the employee, with a view to resolving the matter without recourse to formal procedures.

Where the employee requests that the complaint be dealt with formally, this form should be completed and the Council's bullying and harassment procedure will be invoked. If the complaint is upheld, the Council's Disciplinary procedure will be followed.

This form should be completed and delivered to your immediate line manager. If your line manager is the subject of your allegation(s) you should forward the form to the next most senior line manager. The form should be submitted in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line. An officer will be appointed to investigate the allegations.

Formal Complaint

Employee's Name:

Employee's Job Title:

Employee's Department:

Date:

Does your complaint relate to your line manager?

Yes/No

Please indicate the basis of your complaint by circling the relevant issue(s)

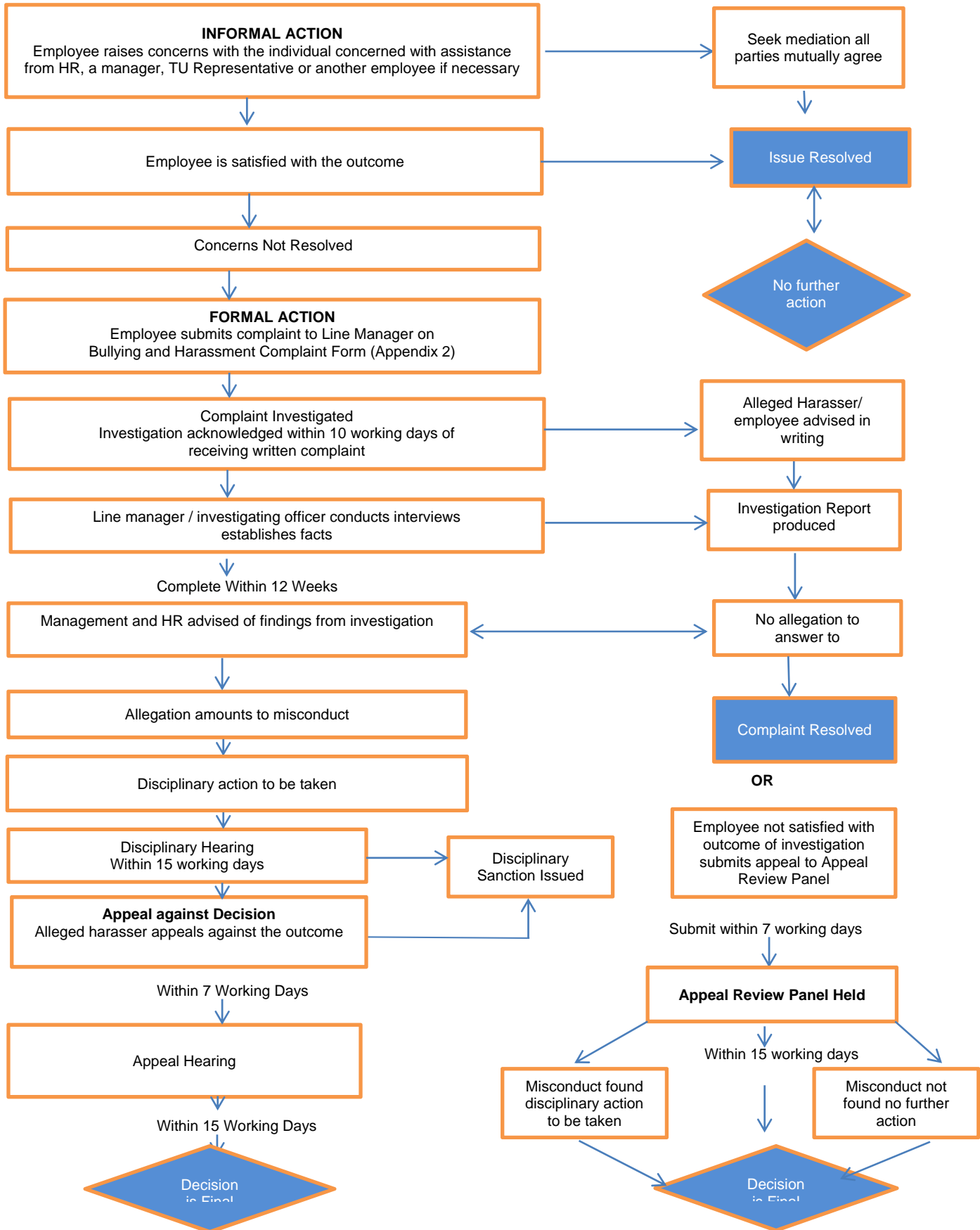
Age / disability / gender reassignment / marriage and civil partnership / pregnancy and maternity / race (which includes colour, nationality and ethnic or national origins) / religion or belief / sex / sexual orientation / other

Summary of Complaint:

Please set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets if required.

Bullying and Harassment Process Chart

Appendix 2



Glossary

Bullying

Is defined by ACAS as “offensive, intimidating, malicious or insulting behaviour an abuse or misuse of power through means intended to undermine, humiliate denigrate or injure the recipient”. (ACAS, [2009] *Bullying and harassment at work: guidance for employees*).

Harassment

Is defined in the Equality Act 2010 as “unwanted conduct related to a relevant protected characteristic which has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or is reasonably considered by that person to have the effect of violating his/her dignity or of creating an Intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the Conduct”.

Harassment Based on Perception

Harassment may also occur where a person engages in unwanted conduct towards another because of perception that the recipient has a protected characteristic (for example, a perception that he/she is gay or disabled), when the recipient does not.

Harassment Based on Association

Similarly, harassment may take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if their child is disabled, or friend is of a particular faith.

Third Party Harassment

Harassment also includes circumstances where an individual is subjected to unwanted conduct from a third party, such as a client or customer. If an employee feels that he/she has been bullied or harassed by customers, suppliers, vendors or visitors, he/she should report any such behaviour to their manager who will take appropriate action.

Victimisation

Is subjecting a person to a detriment because he/she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him/her or someone else, or supported someone to make a complaint or given evidence in relation to a complaint.

Protected Characteristics

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics. These are defined in the Equality Act 2010 as:-

- Sex and Sexual Orientation
- Race (which includes colour, nationality and ethnic or national origins),
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Religion or Belief
- Age
- Pregnancy and Maternity

APPRAISAL POLICY

1. The revised appraisal policy and procedure redrafted to meet business objectives is appended.
2. The revised policy seeks to ensure the Council's approach to managing performance through supervision and annual appraisal is consistent with the council's objectives and values as expressed in the corporate plan.
3. Key policy changes include:
 - Revision of the employee performance review process to a simplified annual appraisal process
 - Provides a process which can be used by all managers with all staff
 - Provides the foundation for more effective and timely management of capability and performance
4. Formal consultation with HR, a senior managers' reference group and the trade unions, as well as regular reports to CDB, has informed the development of the policy.
5. A detailed scheme and guidelines have been developed to support the policy implementation. Many of the outcomes of the consultation meetings have been fed into the guidelines and managers, HR and trade unions will continue to be consulted on the guidance. An implementation plan including communications and training has been developed.

DRAFT

Wolverhampton City Council



Human Resources Policy Framework

Performance Appraisal and Personal Development Review Policy and Procedure

Approved by:	<i>Cabinet Resources Panel (27.11.2012)</i>
Published:	<i>xx.xx.2012</i>
Review date:	<i>xx.xx.2013</i>

CONSULTATION

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26.09.12	0.5	SS	
12.09.12	0.4	VLH	
12.09.12	0.3	SD	
04.09.2012	0.2	SS	
30.8.2012	0.1	VLH	

EQUALITY ANALYSIS

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1. Policy Statement

- 1.1 Wolverhampton City Council (the Council) is committed to ensure that employees receive an annual appraisal, including employees who are employed for a few hours a week or on a sessional basis.
- 1.2 It is a mandatory requirement of managers to undertake a performance appraisal with the employees that they manage on an annual basis as outlined in this policy. The appraiser could be a manager or supervisor. If an employee does not receive a performance appraisal and the employee feels unable to approach their manager they should raise this with the next level manager.

2. Scope

- 2.1 This Policy and Procedure applies to all employees of the Council who have been directly employed by the council for six months or more (not including agency staff) and shall be followed in respect of conducting individual or team employee appraisals.
- 2.2 This process is cascaded down from Assistant Director level to ensure that the objectives of the Council are reflected through the appraisals of all its employees.
- 2.3 This includes employees based in schools i.e. Teaching Assistants, but excludes teachers covered by Schools performance appraisals policy and procedures. The policy and procedure are designed to ensure fair, reasonable and consistent treatment for all employees.

3. Exclusions

Matters which are excluded from being dealt with under this policy are:

- Pay, salary gradings, terms and conditions
- Allegations of bullying, discrimination or harassment on the basis of race (which includes colour, nationality and ethnic or national origins), sex and sexual orientation, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief and age under the Equality Act 2010
- Disciplinary or grievance matters
- Changes to legislation

4. Principles

- 4.1 Employees who have responsibility for managing or supervising employees are required to hold an annual performance appraisal meeting with their employees.

- 4.2 The process of conducting annual performance appraisals is cascaded throughout the Council to ensure that employee's performance is appropriately managed, that individual targets are set and met and contribute towards the Council achieving its objectives.

The Council is committed to the following principles, which underpin this policy:

- to ensure that managers provide the appropriate support to employees within the performance management framework
- to provide all employees with an opportunity to have a one to one or group meeting with their manager to discuss and review their performance
- to acknowledge employees achievements and identify strengths
- to address areas for improvement
- to identify and plan personal development needs
- to enable employees to fully engage in planning for the future
- to ensure that appraisal meetings are not unreasonably delayed, are conducted in a timely manner and in accordance with the timescales as set out in this policy
- not to defer or avoid undertaking the appraisal if there are capability issues
- failure to carry out an annual appraisal could result in disciplinary action
- Senior managers who are required to countersign appraisals, should use the appraisal process to ensure that the quality and consistency of all appraisals carried out within their service areas meets the Council's agreed standards as set out in this policy and procedure and the Performance Appraisal and Personal Development supporting guidance

5. Procedure

Conducting the Performance Appraisal and Personal Development Review

- 5.1 Any employee who has the responsibility for managing employees and carrying out appraisals will be required to carry out an annual performance appraisal with all of the employees that they manage. The manager will agree a date and time for a meeting with the employee to be appraised
- 5.2 Within this policy and procedure anyone who has responsibility for managing employees shall be referred to as the appraiser and the employee receiving the appraisal shall be referred to as the appraisee.
- 5.3 The performance appraisal meeting provides both appraiser and appraisee with the opportunity to discuss the appraisee's performance, to review if objectives set have been met and to plan future targets; to recognise any achievements made since the last review, and address

any weaknesses in performance. It is also the opportunity for the appraisee to identify opportunities for development, for the appraiser to provide support to the appraisee's needs and to identify how these needs can be met. It is the manager's opportunity to have an open discussion about the employee's performance and any required improvements.

- 5.4 As part of managing performance, managers should be holding 1:1 or group supervision meetings with their employees on a four to eight weekly basis. These meetings enable both the manager and the employee to discuss performance as part of the 1:1 or group supervision process on a regular basis, and should enable the employee to have a constructive appraisal review meeting as they will have a good understanding of their level of performance prior to their appraisal interview.
- 5.5 The 1:1 or group supervision form in the guidance can be used if there is no alternative form within your service area.

New Employees

- 5.6 Once a new employee completes their probationary period they will receive their first performance appraisal. This is where they will agree the work plan objective and the Personal Development Plan for the next 12 months.
- 5.7 New employees not subject to a probationary period will receive their first performance appraisal objectives after six months in post.

The performance appraisal process can take the following forms:

The Individual Appraisal

- 5.8 An individual appraisal should be held between the employee and their manager annually.

The Team Appraisal

- 5.9 The manager should only appraise the performance of the team overall. Any individual issues should be discussed and addressed through regular 1:1's.
- 5.10 If there are a number of appraisees who have similar performance requirements in relation to their job roles, the appraiser may find it more appropriate to carry out a team appraisal.
- 5.11 This form of appraisal is relevant if the appraiser has to appraise ten or more employees with similar job roles.

- 5.12 The appraiser will be required to seek the approval of the Assistant Director within their service area before arranging a team appraisal.
- 5.13 The team appraisal and Personal Development Record (PDR) should be completed as part of the appraisal process.
- 5.14 At manager's discretion or employee's request the individual appraisal can be used.

The Short Format Appraisal

- 5.15 This type of appraisal is specifically for employees who work 16 hours per week or less or are employed on a sessional basis. Managers should use the short format appraisal process when carrying out appraisal meetings with their employees.
- 5.16 The Appraiser should complete the short format version and the PDR as part of the appraisal process.
- 5.17 At managers discretion or employees request the individual appraisal can be used.
- 5.18 Managers should refer to the relevant sections in the Performance Appraisal and Personal Development Review Guidance if they are unclear about which process to use.

Preparing for the Performance Appraisal

- 5.19 To prepare for the appraisal meeting the appraiser and employee will follow the process set out in the Performance Appraisal and Personal Development Review Guidance documentation. This requires the appraiser to:
 - arrange a date, time and location for the employee's appraisal review
 - issue the self-appraisal form and appraisal and performance development review record to the employee two weeks before the appraisal meeting
 - advise the employee to complete the personal development review record alongside the self-appraisal form
 - ensure that the employee has sufficient time to prepare for the meeting
 - review the employee's past performance, set targets/objectives using the SMARTER approach for setting future actions and review and identify any training and support needs
 - conduct appraisal and complete the required documentation using the standard appraisal forms
 - agree the employee's performance using the ratings in the appraisal and personal development review record, and address any issues of underperformance through action planning

- refer to the performance appraisal and personal development review in the guidance pack to ensure an understanding of the process
- after completion of appraisal the appraising manager must send all documentation to their manager for counter signature
- on return of the signed documentation the appraiser should add the employee's Personal Development Plan (PDP) to the team's PDP
- the appraiser should send a copy of the completed appraisal to the appraisee and notify the Workforce Development Service using the confirmation record of the date of the completion of the appraisal and next review date
- when preparing for the appraisal the appraiser should also include equalities and health and safety as areas for discussion

5.20 Timelines for all stages of the appraisal process are provided in the Performance Appraisal and Personal Development Review Guidance and in the flow chart in appendix 1 of this policy and procedure. Appraisees and appraisers should refer to these timescales prior to attending or organising an appraisal meeting.

Secure Storage

- 5.21 Appraisal documentation should be kept securely by the appraising manager until the next employee appraisal meeting.
- 5.22 Where an employee is being managed under the capability procedure the appraisal documentation can be used or referred to when managing an employee's performance.

6. Roles and Responsibilities

Roles and Responsibilities of Employees

- 6.1 The employee appraisal provides an opportunity for employees to discuss their performance with their manager on an annual basis. It is the opportunity for the employee to have an uninterrupted 1:1 discussion with their manager about their performance.
- 6.2 Under this policy employees are required to:
- fully engage in the appraisal process by preparing for the meeting. This includes completing the self-appraisal form prior to the appraisal
 - attend the appraisal meeting and enter into dialogue about their performance to date, and any personal and professional development needs that they would like to progress to improve their performance
 - openly and constructively discuss their performance during the meeting and recognise areas that may require improvement as well as areas of achievement

- raise their concerns with the appraiser's manager if they do not receive an annual appraisal

Roles and Responsibilities of Managers

6.3 Managers should be aware of their responsibilities and adhere to the procedures as set out in this policy and procedure when conducting appraisals and should refer to the performance appraisal and personal development guidance before carrying out an appraisal with their employees.

6.4 Under these procedures managers have a responsibility to:

- ensure that any employee they manage receives an appraisal on an annual basis
- conduct appraisals in a timely manner
- use the standard form as set out in the guidance
- forward documentation to their manager when they have completed an appraisal
- complete the employee's appraisal and personal development review record and use the confirmation record to inform the Workforce Development Service
- send the completed documentation to their manager for counter signature
- the appraiser's manager is required to check the quality of the appraisals carried out within their service area
- the appraiser's manager may also be required to mediate as part of an informal process should the appraisee or appraiser be unable to reach an agreement about the outcomes of the appraisal.
- appraisals should be carried out whether or not there are capability issues and managers should not use this as a reason to defer an appraisal
- managers should not defer carrying out their employees' appraisals even in rare circumstances where they have not received their own appraisal
- failure to carry out an appraisal could result in disciplinary action

Roles and Responsibilities of HR

6.5 HR will provide operational support to managers in the application of this policy and procedure.

Under this policy HR has the responsibility to:

- advise managers to use the Performance Appraisal standard documentation and Personal Development supporting guidance
- provide support and guidance throughout all stages of this policy
- ensure the communication, maintenance, regular review and updating of this policy
- to assess compliance and effectiveness

- monitor and review the delivery and impact of the policy

Role of Head of HR

- 6.6 In consultation with the recognised Trade Unions. The Head of HR will exercise delegated authority for and be responsible for the on-going review and updating of this Policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this policy will be brought before the Cabinet (Resources) Panel for approval.

Role of Audit

- 6.7 The role of audit shall be to provide compliance by:
- ensuring appraisals are carried out in a timely manner through random sampling on a quarterly basis
 - ensuring that appraisals are completed using the relevant forms
 - ensuring that any appraisals received comply with the Council's agreed standards as set out in this policy and procedure and the Performance Appraisal and Personal Development supporting guidance

Role of Trade Unions

- 6.8 Any review and revisions of this policy will be undertaken by HR and will be in consultation with the Council's recognised trade unions.

7. Monitoring and Review

- 7.1 The appraisal policy and procedure will be reviewed and updated annually by HR and will be available to managers and employees via the HR intranet.

8. Links to Other Policies and Procedures

Workforce Planning
Equal Opportunities Policy
Bullying and Harassment (Dignity at Work) Policy and Procedures
Capability Policy and Procedure

9. Equality

- 9.1 The annual appraisal is intended to be an objective and unbiased route to assessing an employee's performance within the workplace. The performance appraisal includes checks and balances throughout to ensure that all employees are treated reasonably, fairly and consistently within the process.

- 9.2 An Equality Analysis has been undertaken on this policy and procedure.
- 9.3 The Council has a duty to monitor the application of the policy in relation to protected characteristics under the Equality Act 2010. This is reported annually in the Council's Equality Monitoring Report.
- 9.4 If any aspect of the appraisal policy and procedure causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with HR, who will make appropriate arrangements.

PROCESS CHART APPRAISAL

Two weeks before appraisal meeting:
The appraiser agrees a date with Appraisee for the Performance Appraisal and issues Self Appraisal form to appraisee for completion and arranges venue for meeting.

Appraisee completes Self-Appraisal form and returns to their Appraiser **one week before** the meeting.
Appraiser reviews Self Appraisal form and prepares for the appraisal.

Conduct appraisal.

Within 3 weeks
Appraiser completes confirmation record to demonstrate that appraisal has taken place and all objectives and the Personal Development Plan have been agreed.

- Within 4 weeks (one month) of Appraisal**
- Give all appraisal documents to Appraiser's manager.
 - Appraiser adds individuals Personal Development Plan to Team Development Plan.
 - Appraiser's manager returns appraisal documents with comments if appropriate.
 - Appraiser sends copies of all documents to the Appraisee and securely stores originals.
 - Appraiser to notify Workforce Development Service of completion date of appraisal.

END OF
PROCESS

Glossary of Terms

Annual Appraisal

The yearly appraisal meeting where objectives are reviewed, new ones established and the Personal development requirements are agreed.

Appraisee (s)

The employee who receives the performance appraisal or groups of employees who receive a group appraisal

Appraiser

The appraiser is the manager responsible for facilitating and managing the appraisal process.

Confirmation Record

This is the record the appraiser and the appraisee complete following the completion of the annual appraisal. The detail of the record is sent to the Workforce Development Service who will record it for audit purposes. Compliance with the appraisal process is audited.

Council priority objectives

These are detailed in the Wolverhampton Corporate Plan.

Facilitate

Facilitate means to help the appraisee to become fully involved in the appraisal process.

Objectives

Objectives should be written so that the appraisee knows what they are expected to do and the standard of performance that they will need to achieve.

One to one (1:1) or Group Supervision

This is sometimes referred to as supervision. 1:1 is a regular formal meeting between the manager and the employee or groups of employees. 1:1 or Group supervision should take place every four to eight weeks and should include a recorded review of the work and the development plan including achievements.

Performance Appraisal

The process that assesses an appraisee's job performance and achievements in relation to a set of agreed work objectives that support the delivery of the Council's Corporate Plan.

Personal Development Review

The Personal Development Review is an integral part of the Performance Appraisal process in which the appraisee's personal development needs are identified alongside the work objectives. Progress towards achieving development needs is regularly monitored in 1:1 and evaluated at the annual appraisal.

Personal Development Plan

A Personal Development Plan (PDP) is a template where the agreed development needs, how they will be met and timescales for achievement are recorded.

Supervision

See, one to one (1:1)

In some professions e.g. social care, 1:1 is referred to as supervision. It is a regulatory requirement of the profession and has a prescribed set of processes and timescales for completion.

Team

A Team is any group of people organised to work together interdependently and co-operatively to meet the needs of their customers by accomplishing a purpose and goals.

Team Development Plan

This is a summary document where a manager records the overall development needs of his or her team as a whole for planning purposes.

Values

The Council's Values are set out in the Corporate Plan and should be referred to and referenced in the appraisal meeting.