



Cabinet (Resources) Panel

11 March 2014

Report title	Human Resources Policies phase four	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Paul Sweet Performance and Governance	
Key decision	No	
In forward plan	No	
Wards affected	N/A	
Accountable director	Keith Ireland, Delivery	
Originating service	Human Resources	
Accountable employee(s)	Sue Davies Tel Email	Chief Human Resources Officer 01902 55(5046) sue.davies@wolverhampton.gov.uk
Report to be/has been considered by	Strategic Executive Board Confident Capable Council Scrutiny Panel	26 February 2014 6 March 2014

Recommendation(s) for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. approve in principle the new probation policy and revised capability policy, subject to the outcomes of ongoing consultation

1.0 Purpose

- 1.1 The purpose of this report is to seek Cabinet (Resources) Panel approval of the proposed new and revised employment policies on probation and capability management.

2.0 Background

- 2.1 Under the Human Resources (HR) Improvement Programme, a number of key workstreams were established to create modern and effective HR services for the Council. One of these was the introduction of a new HR policy framework.
- 2.2 The Confident Capable Council (C3) Scrutiny Panel has received regular and comprehensive updates on progress made towards implementing the policy framework for pre-decision consideration and comment. Cabinet (Resources) Panel has approved all revised policies prior to their implementation. At its meeting in October 2013, the scrutiny panel approved a revised approach to phases four and five of policy development to support more effectively the integration of HR policies with the organisation's revised priorities as a result of the budget challenge and the implementation requirements of the Futureworks programme and the Agresso system.
- 2.3 This report now seeks approval for new and revised policies in the fourth phase of the HR policy framework.
- 2.4 The HR policy framework is designed to align policies closer to corporate objectives and business needs, and to modernise them to make them simpler, relevant and in accordance with changes in employment law
- 2.5 There has been on-going consultation on the policy framework to capture the views of key stakeholders within the Council. The stakeholders identified for consultation 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. Feedback from the managers' reference group has demonstrated support for change and in general the need to simplify and streamline policies has been well received. The outcome of the consultation sessions has been positive and has significantly shaped the policies, procedures, guidance notes and supporting materials. Consultation with trade unions has likewise generally been constructive and the comments from the trade unions have been taken into account to shape the guidance and many of the comments and issues have been really helpful for this purpose. The trade unions have generally agreed in principle with the policies.
- 2.6 Feedback from the consultation process has been used to further define policy (where appropriate) and to shape supporting guidance. Any comments of principle affecting the policies and procedures are subject to review at a consultation moderation panel, comprising the Chief HR Officer, HR Policy and Strategy Manager and the operations HR managers.

- 2.7 Performance, Governances and Support Services (PGSS) Scrutiny Panel reviewed and endorsed phase one policies at its 30 October 2012 meeting. These policies (Discipline, Grievance, Bullying and Harassment, Appraisal and Management of Attendance) were subsequently approved by Cabinet (Resources) Panel at its 27 November 2012 meeting. The Discipline, Grievance, Bullying and Harassment policies were implemented from 1 February 2013 and the Appraisal and Management of Attendance policies were implemented from 1 April 2013.
- 2.8 PGSS Scrutiny Panel reviewed and endorsed phase two policies at its 7 March 2013 meeting and Cabinet (Resources) Panel approved them at the 12 March 2013 meeting. They were implemented with effect from 1 April 2013; the policies covered: Recruitment and Selection, Agency Workers, Job Carving; Induction, Capability; Redeployment, Redundancy, Retirement; Equality & Diversity.
- 2.9 C3 Scrutiny Panel reviewed and endorsed phase three policies at its 20 June meeting and Cabinet (Resources) Panel approved them on 26 June 2013. The following policies were implemented in July 2013: Working hours, Leave, Support for Carers (maternity/paternity/adoption/fostering), Secondments and acting up, Market forces supplements, External secondments, Casual workers, Personal use of Council ICT and employee privacy statement, Employees' codes on travel, subsistence and hospitality, Liability of employees, service on outside bodies. Policies on Flexible working and the Employee's Code of Conduct were approved and implemented in September 2013 following more detailed consultation.
- 2.10 Implementation of policies includes the development of management and employee guidance where appropriate, development of learning resources and skills support sessions and positioning and promoting the policies to employees through the HR Intranet.

3.0 Phase four policies

- 3.1 Phase four policies are now appended for approval in principle as follows:

Probation	-	Annex 1
Capability (revised)	-	Annex 2

- 3.2 The probation policy provides a more robust and consistent format for managing probationary periods, which completes the performance management 'cycle' supported through the policy framework. This is a new policy for Wolverhampton City Council as historically there has been insubstantial and inconsistent probationary period management and support. The policy has been designed to integrate with the probationary management module of the Agresso system. It introduces a shift away from the default setting of the National Joint Council for local government services by providing for probationary period management for any new appointment.
- 3.3 The capability policy is a revision of the policy approved in March 2013 and implemented in April 2013, following feedback from managers on its application and development work

for the HR Agresso system. Feedback has indicated that it is not fit for purpose as a result of the issuing of warnings or sanctions (along the lines of the disciplinary policy) at the earlier stages. Further research has led to the policy being re-oriented so that, whilst maintaining the same process stages and principles, the earlier stages have an advisory outcome rather than a 'warning'-based outcome and as such do not attract the right to appeal until the final stage where a sanction or dismissal may result. This should enable the policy to be applied supportively, but retain the ability for it to result, where necessary, in the ending of the employment relationship on the grounds of capability.

3.4 Consultation is ongoing with the recognised trade unions and the managers' reference group.

4.0 Financial implications

4.1 There are no financial implications associated with the recommendation in this report. It is anticipated that the proposed new and revised employment policies on probation and capability management will be implemented using existing council resources.
[GE/26022014/W]

5.0 Legal implications

5.1 The Policy reviews take into account up to date employment law and case law.
[RB/25022014/D]

6.0 Equalities implications

6.1 An initial equality analysis for each policy has been carried out.

6.2 The application of any employment policy for Council employees is set in the context of the Council's obligation as an employer to ensure it meets employment law, including the duties and principles of the Equality Act (which would also encompass the duty to make reasonable adjustments) and the principles of natural justice.

6.3 The impact of the application of the policies will be monitored including on the grounds of protected characteristics where data is available/disclosed.

7.0 Environmental implications

7.1 There are no environmental implications arising from this report.

8.0 Human resources implications

8.1 This report has direct HR implications as it proposes new and revised policies to support the effective management of Council employees. Managers will be given guidance and support in delivering these policies. The consultation framework ensures that key

stakeholders are engaged. The policies seek to incorporate modernised employment practice into Council terms. The recognised trade unions are consulted.

9.0 Schedule of background papers

- 9.1 HR Improvement Plan Policy Phase 3 - Report to Cabinet (Resources) Panel – 11 September 2013
- HR Improvement Plan Policy Phase 3 - Report to Cabinet (Resources) Panel – 26 June 2013
- HR Improvement Plan Policy Phase 2 - Report to Cabinet (Resources) Panel – 12 March 2013
- HR Improvement Plan Policy Phase 1 - Report to Cabinet (Resources) Panel – 27 November 2012