

# Confident Capable Council Scrutiny Panel

6 March 2014

Time 18.00pm Public meeting? YES Type of meeting Scrutiny

Venue Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

Room Committee Room 3, 3<sup>rd</sup> floor

#### Membership

**Chair** Cllr Rita Potter (Lab)

Vice-chair Cllr Mrs Wendy Thompson (Con)

Labour Conservative Liberal Democrat

Alan Bolshaw
Craig Collingswood
Jasbinder Kaur Dehar
Milkinder Jaspal
Jasbir Jaspal
Zahid Hussain Shah
Jacqueline Sweetman
Martin Waite

Paul Singh Christopher Haynes

#### Information for the Public

If you have any gueries about this meeting, please contact the scrutiny team:

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Copies of other agendas and reports are available from:

Website <a href="http://wolverhampton.cmis.uk.com/decisionmaking">http://wolverhampton.cmis.uk.com/decisionmaking</a> democratic.support@wolverhampton.gov.uk

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

# **Agenda**

### Part 1 – items open to the press and public

Item No. Title

#### **MEETING BUSINESS ITEMS**

- 1. Apologies for absence
- 2. **Declarations of interest**
- 3. **Minutes of the previous meeting (21 November 2013)** [For approval]
- 4. Matters arising

[To consider any matters arising from the minutes]

5. **Scrutiny Panel Work programme 2013/14** [To consider work programme planning]

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#### PRE-DECISION SCRUTINY

6. Human Resource (HR) Policy Phase 4

[To provide a draft HR phase 4 policies for pre-decision scrutiny]

#### **DISCUSSION ITEMS**

- 7. Customer Services Strategy
  - [To provide an update on implementation of the customer services strategy]
- 8. Budget and financial matters update

[To provide overview of budget and financial matters]

9. Local Audit and Accountability Bill

[To provide a report to outline the implications of the Bill]

10. Resilience Work Programme

[To provide an update of the resilience work programme]

#### **EXCLUSION OF PRESS AND PUBLIC**

#### 11. Exclusion of press and public

[To pass the following resolution:

That in accordance with Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information on the grounds shown below.]

### Part 2 – exempt items, closed to the press and public

Item No.	Title	Grounds for exemption	Applicable paragraph
12.	Changes to Leave Policies [To consider amendments to current leave arrangement for employees]	Labour relation implications	4



# Confident Capable Council Scrutiny Panel

Minutes - 23 January 2014

#### **Attendance**

**Members of the Panel** 

Cllr Rita Potter (chair)
Cllr Alan Bolshaw
Cllr Craig Collingswood
Cllr Jasbinder Kaur Dehar
Cllr Jasbir Jaspal
Cllr Milkinder Jaspal
Cllr Zahid Hussain Shah
Cllrs Paul Singh
Cllr Jacqueline Sweetman
Mrs Wendy Thompson

Cabinet Member

Cllr Andrew Johnson

**Other Members** 

Cllr Dr Michael Hardacre

#### **Employees**

Cllr Martin Waite

Keith Ireland Strategic Director, Delivery
Sue Davies Head of Human Resources
Mark Taylor Assistant Director, Finance
Polly Sharma Policy and Equality Manager

Adam Hadley Scrutiny and Transparency Manager

Deb Breedon Scrutiny Officer

#### **Apologies**

Apologies for absence were received from Cllr Christopher Haynes

### Part 1 – items open to the press and public

Item No. Title

#### **MEETING BUSINESS ITEMS**

#### Chair's announcements

The Chair welcomed the Cabinet Members and Cllr Dr Michael Hardacre to the meeting.

#### 2. Declarations of interest

Cllr Jacqueline Sweetman declared a discloseable pecuniary interest in item 11 relating to Single Status update and left the meeting during discussion of the item.

#### 3. Minutes of the previous meeting (21 November 2013)

Resolved:

That the minutes of the meeting held on 21 November 2013 be approved as a correct record and signed by the Chair subject to the following amendments:

Page 4 minutes - Cllr Sweetman welcomed the idea of making policy and communications teams more efficient. She felt that this gives us an opportunity to review skills needed to be more effective.

Page 5 minutes - Cllr Sweetman liked the idea of ensuring that the Mayor, in a strategic role of the Council, gets involved in selling Wolverhampton and attracting inward investment.

#### 4. **Matters arising**

There were no matters arising.

#### 5. **Work Programme 2013-14**

Deb Breedon provided a report which enabled review and development of the work programme for Confident Capable Council Scrutiny Panel.

#### Resolved:

1. That the work programme is noted.

#### **DISCUSSION ITEMS**

#### 6. Equalities work programme update

Cllr Dr Michael Hardacre, Equality Councillor Champion presented a six monthly update report on the Equalities Work Programme. He advised that he had overseen the delivery of the work programme which had also been regularly reported to the Equalities Advisory Group.

He reported that significant progress had been made against all of the 21 actions in the work programme, 13 actions were complete, one finished subject to a further meeting and seven were progressing well. He highlighted the following actions:

- The development and adoption of a new Equality Analysis toolkit to ensure equalities issues are understood in the development of policies and procedures.
- Development and roll out of a best practice monitoring form for equalities.
- Creation of an equalities e-learning course which is now compulsory for all employees and Councillors.

Cllr Dr Michael Hardacre encouraged all panel members to undertake the elearning training, available on the Learning Hub; he advised that the appendix to the report detailed other key activities relating to equalities that have taken place in 2013.

He thanked Chris Trynka, interim Equalities Manager for her work and stressed that there had been significant progress against the equalities work programme and that it is important that not to lose momentum moving forward.

In response to questions raised councillors were advised that:

- Equality training is online, no additional resource is required.
- Take up of training is slow; six out of 60 councillors, 550 staff out of 6.659 as at December 2013.
- Previous face to face equality training is relevant but e-training is compulsory and should be completed by all employees and elected members, everyone should be reminded that the facility is there.
- Evidence of organisational trends uncovered during work will be checked by the equality team and monitoring will continue.
- Equality team will check relationship between the Equality Act 2010 and Trade Union membership.
- Equality objectives action plan can be found on the Council Website which details the Councils equality objectives.

The Scrutiny Panel Chair welcomed the report and congratulated the Equalities Champion and Equalities team on their work.

#### Resolved:

That the progress against the Equalities Work Programme and update from the Equalities Councillor Chair be noted.

#### 7. HR Quarterly update report

Sue Davies provided an update on the general progress made on the work streams within the Human Resources (HR) improvement plan. She highlighted the progress being made by the three reference groups which have played a significant role in aligning new policies and policy consultation process:

- Managers reference group
- Human Resource reference group
- Trade Unions

In response to scrutiny panel members questions Panel was advised that:

- Employees are adjusting well to the new HR policies; there has been no adverse re-action.
- In relation to sickness information; 1500 management of attendance meetings had been undertaken and this figure is decreasing.
- 43 employees were at stage three of the HR sickness management process.
- The work involving schools and corporate HR is much improved as a result of the stronger working relationship between Assistant Director Jim McElligot and Sue Davies.
- Triggers for sickness absence:
  - Stage 1 three separate occurrences in a rolling 12 month period
  - Stage 2 accumulate a total of 12 days in a 12 month period
  - Stage 3 an unacceptable pattern of sickness

Panel were advised that the Wolverhampton absence management process is more robust than the Bradford factor.

- With regard to the impact of budget cuts Panel was advised that there
  were potential reductions to the apprenticeship and graduate
  programme, which had not yet been approved by Cabinet.
- Employee appraisal scheme has been implemented and audits are to be undertaken soon. There is much greater emphasis on performance in the organisation.

Keith Ireland indicated that there is good progress being made based on the

new policies. Cllr Mrs Wendy Thompson thanked the officers for an honest and encouraging report.

#### Resolved:

That Panel note the progress on delivering the work streams within the HR improvement plan.

#### 8. **Budget and financial matters**

Cllr Andrew Johnson provided a report which informed Panel about the Council's finances that had recently been reported to the Cabinet and Cabinet (Resources) Panel. He invited feedback on the update to the draft five year budget and medium term financial strategy 2014/15 to 2018/19.

Cllr Andrew Johnson explained that the Government grant had been reduced by 52% and as a result of the increased deficit Cabinet approved the adoption of an adapted revised strategy requiring services to be cut deeper and faster than had been expected. He outlined the proposals and invited any comments:

- a) Cease expenditure during the remainder of 2013/14 on all but absolutely essential items, in order to limit the call on general balances.
- b) Accelerate the implementation of some of the 165 saving proposals to bring forward a minimum of £4 million into 2014/15, in time to incorporate into February 2014 Cabinet Budget report.
- c) Identify a minimum of £5 million of new savings proposals, or increases in the value of existing 165 proposals for 2014/15 in time e for February 2014 Cabinet Budget meeting.
- d) Identify a further minimum of £10 million of new savings proposals or increases of existing 165 proposals for 2015/16 in time to be incorporated into the July 2014 Cabinet Budget report.
- e) Cabinet to consider a report to change the terms of the Councils redundancy policy to statutory minimum. Employees may not be guaranteed access to a full pension between the ages of 55 and 60 after March 2014.
- f) The treasury management strategy is to be reviewed; the low interest rates have had an affect here.

Cllr Andrew Johnson advised that it is difficult to get an accurate figure to work with, it had been made very clear in an earlier report that the settlement could change and it may change again. The projected figures vary considerably LGA futures indicating £44 million, LG Futures indicating £21 million, the problem being if we predict too deep the Council could be accused of scaremongering; a balance needs to be struck. Mark Taylor clarified that even following the additional savings for year two and three a further £40 million will be taken out

of the budget before 2018-19.

In response to questions the Scrutiny Panel were advised that:

- The Council pays £10 million per annum interest on loans. Previous
  Government gave credit based on what it gave you permission to borrow,
  and then you got a grant from the Government. A figure of £22 million
  referred to includes debt charges.
- Price Waterhouse Cooper (PWC) have provided an annual review to Audit committee which reported that the Council projections were reasonable and the budget process and internal audit cycle had been demonstrated to be robust.
- In terms of all the possible factors including variation in inflation, rising numbers of LAC, we did not predict the reduction in Government grant.
- Parkfields site is still being looked into. There are options to consider but
  the costs are prohibitive to repair, other options for the future of the
  Parkfields site will be considered at a future meeting early in March 2014.
  The Cabinet Member advised the overall site would be reconsidered but at
  this time was awaiting legal opinion and declined to comment.
- Cabinet deferred consideration of the Voluntary Sector grants report to enable the equality analysis, which had been submitted late in the process, to be given due consideration.
- Specific reserves have been reviewed to release funds into the efficiency reserve.
- Panel were assured that every effort is being made to reduce rising numbers of Looked After Children (LAC) as it was highlighted as a real problem. Panel heard that working closely with partners and agencies a number of early intervention initiatives and a New Operating Model (NOM), were being put into place to tackle rising numbers of LAC and address the overspend.
- Currently each LAC costs an average £40,000, the Council had reduced costs from £44,000 per child last year. LAC costs can fluctuate depending on the needs of child and direction from the Court at the top end of the chart one child could cost as much as £250,000 per annum and another a may be minimal costs by being placed with a relative or grandparent both equally important as the Authority must meet its duty. There was concern that the numbers of LAC had risen from 680 in December 2013 to 747 in January 2014, but recognition that we have a duty to carry out and that we have to find ways to intervene earlier to save costs in the longer term.

Panel Members thanked the Cabinet Member and officers for their hard work. Resolved:

That Panel note the arrangements for ensuring adequate identification and management of budget risks and budget planning for future years

and request the Cabinet Member to consider the Panels comments and update the report accordingly.

#### 9. FutureWorks update

Keith Ireland provided a report which gave an update of progress on the FutureWorks programme since Agilysys was appointed in April 2013. Panel heard that all tasks were either complete or on target. Panel welcomed the good news.

#### Resolved:

Panel reviewed the progress to date on the Future Works programme and thanked the programme team for their work.

#### 10. Exclusion of press and public

#### Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item(s) of business as they involve the likely disclosure of exempt information falling within the paragraphs of Schedule 12A of the Act set out below:

Item No.	Title	Applicable
		paragraph
11	Single Status	4

### Part 2 – exempt items, closed to the press and public

#### 11. Single status update

Cllr Jacqueline Sweetman declared a discloseable pecuniary interest in this item and left the room.

Sue Davies provided a progress report relating to the single status programme, indicating that much of the programme has now been delivered with implementation in April 2013 and protection ending 31 March 2014. The majority of appeals were now complete with schools based appeals planned in the coming months. She advised that the Assistant Director Education and Enterprise, Jim McElligot had played a large part in working to unravel issues with schools in relation to single status.

#### Resolved:

Panel agreed to note the update on single status implementation.

The meeting ended at 19:27

Agenda Item No: 5



# Confident Capable Council Scrutiny Panel

6 March 2014

Report title Work Programme 2013-14

Cabinet member with lead

responsibility

Councillor Paul Sweet

Governance and Performance

Wards affected All

Accountable director

Keith Ireland, Delivery

Originating service

Office of the Chief Executive

Accountable officer(s)

Deb Breedon Scrutiny Officer

Tel 01902 55(1250)

Email

deborah.breedon@wolverhampton.gov.uk

Report to be/has been considered by

#### Recommendation(s) for action or decision:

The Panel is recommended to:

1. Review and develop the Confident Capable Council Work Programme 2013-14 to take account of emerging issues that fall with-in the remit of the scrutiny panel.

#### 1.0 Purpose

- 1.1 This report seeks to review the work programme for the Confident Capable Council (C3) Scrutiny Panel 2013-14, taking into consideration whether issues are relevant and timely for inclusion on the next agenda and to consider other emerging issues for inclusion in the work programme 2013-14.
- 1.2 The report also monitors outstanding minutes (paragraph 3.2) and identifies the issues for pre-decision scrutiny and overview by this panel as set out in the Leader's forward plan (paragraph 3.3).

#### 2.0 Background

- 2.1 The remit of the C3 panel was agreed by Annual Council 15 May 2013.
- 2.2 The <u>Delivery Directorate Service Plan</u> was considered by Performance Governance and Support Services Scrutiny Panel 9 May 2013. The business plan sets out all the overall direction and priorities for the directorate and how it sits with the Council's corporate priorities.

#### 3.0 Work Programme Planning

- 3.1 The work programme (Appendix 1) is a working document which is reviewed at each panel meeting to determine the timeliness and relevance of items for scrutiny.
- 3.2 Outstanding minutes are shown in the table below:

Subject	Date of meeting	Decision	Comments
Health and Well- being Strategy	21.11.13	Monitor development and carry out pre-decision scrutiny at the appropriate time	Agenda item 17.4.14
Employee Volunteering	21.11.13	Progress report	Agenda item 17.4.14

- 3.3 The Leader's forward plan for period <u>1 March 2014 30 June 2014</u> identifies the following issues for pre-decision scrutiny and overview by this panel:
  - 2014/2015 Fees and Charges (11 March 2014 Cabinet Resources Panel)
  - Confident Capable Council (FutrueWorks) programme (Ongoing Cabinet and Cabinet Resources Panel)
  - Corporate landlord implementation update (11 March Cabinet Resources Panel)
  - Customer Services Review (4 March 2014 Cabinet)

- ICT infrastructure refresh (Ongoing Cabinet Resoucres Panel)
- Revised options for the future use of the Parkfields site(11 March 2014 Cabinet Resources Panel)
- Local Discretionary Grant Scheme (11 March / 8 April 2014- Cabinet Resources Panel)
- Quarter 3 Revenue Budget Monitoring (11 March 2014)
- Re-orientation of the Councils Printing Operation (11 March 2014)
- 3.4 The Panel will retain flexibility to consider issues as they arise. Changes to the work programme will be brought to the attention of the Chair and Vice-Chair at each agenda meeting and all councillors will consider the work programme at the panel meetings.

#### 4.0 Schedule of Meetings

- 4.1 Remaining scheduled C3 scrutiny panel meeting for the 2013-14 municipal year:
  - 17 April 2014

#### 5.0 Financial implications

There are no direct financial implications arising from the recommendations in this report. Within the Office of the Chief Executive, there is a scrutiny budget to support the investigation of issues highlighted by councillors through the work programmes of the panels and the reviews and inquiries. [CN/20022014/X]

#### 6.0 Legal implications

6.1 There are no direct legal implications arising from this report. [AS/20022014/P]

#### 7.0 Equalities implications

7.1 There are no direct Equalities implications arising from this report. However, Councillors are asked to consider equalities, especially when identifying who to consult and who to call to give evidence. The <a href="Equality shared service">Equality shared service</a> pages of the Council intranet provide specific advice in this area.

#### 8.0 Schedule of background papers

8.1 Performance Governance and Support Services Panel Reports and minutes available on CMIS

http://wolverhampton.cmis.uk.com/decisionmaking/Meetings/CurrentMeetings/20132014/tabid/147/ctl/ViewCMIS CommitteeDetails/mid/648/id/1460/Default.aspx

Appendix 1: Draft Work programme 2013/14

• • •	Appendix 1: Draft Work programme 2013/14			
20 June 2013	Confident, Capable Council (C3) Work programme 2013-14			
18 July 2013	Budget and financial matters			
	Information requests and complaints – 2012 outturn position			
	• Staff Turnover 2012-13 (Minute 105 -12 April 2012)			
	Young people and graduate apprenticeships – progress report			
	Equal Pay			
	Options for appraisal for future use of Parkfields Site as office			
	accommodation			
	FutureWorks programme			
5 September	Budget and financial matters			
2013	FutureWork programme			
	Creating a Council temporary staffing agency			
10 October	Resilience (emergency planning and business continuity)			
2013	Leadership – Health and Safety Duties and Responsibilities			
	The staff volunteering strategy			
	Corporate Landlord			
	Delivery Directorate Restructure			
	FutureWorks – Training Strategy			
	HR Improvement plan and policy framework phases 4 and 5			
	Bailiff Services			
21 November	Budget Review – Draft Budget 2014-15 and medium term financial			
2013	strategy			
16 January	Ear Marked Reserves working group			
2014				
23 January	Equalities work programme update			
	<ul> <li>Equalities work programme update</li> <li>HR Quarterly update report</li> </ul>			
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Agenda Item No: 6



# **Confident and Capable Council Scrutiny Panel**

6 March 2014

Report title Human Resources Policies phase 4

Cabinet member with lead

responsibility

Councillor Paul Sweet

Performance and Governance

Wards affected None

Accountable director Keith Ireland, Delivery

Originating service Human Resources

Accountable employee(s) Sue Davies Chief Human Resources Officer

Tel 01902 55(4056)

Email sue.davies@wolverhampton.gov.uk

Report to be/has been

**considered by** Strategic Executive Board 26 February 2014

Cabinet (Resources) Panel 11 March 2014

#### Recommendation(s) for action or decision:

The Panel is recommended to:

1. endorse in principle the new probation policy and revised capability policy, subject to the outcomes of on-going consultation

#### **Recommendations for noting:**

The Panel is asked to note:

1. this item is being considered as pre-decision scrutiny and will therefore not be available to call-in once a decision is made by the Executive

#### 1.0 Purpose

1.1 The purpose of this report is to seek pre-decision scrutiny of the proposed new and revised employment policies prior to referral for approval to Cabinet (Resources) Panel.

#### 2.0 Background

- 2.1 Under the Human Resources (HR) Improvement Programme, a number of key workstreams were established to create modern and effective human resources 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. At its meeting in October 2013, it approved a revised approach to phases 4 and 5 of policy development to support more effectively the integration of the policy suite with the organisations 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 endorsement 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 1 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 01 February 2013 and the Appraisal and Management of Attendance policies were implemented from 01 April 2013.

- 2.8 PGSS Scrutiny Panel reviewed and endorsed phase 2 policies at its 7 March 2013 meeting and Cabinet (Resources) Panel approved them in March 2013. They were implemented from 01 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 3 policies at its 20 June meeting. 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 4 policies

3.1 Phase 4 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 very 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 NJC green book by providing for probationary period managements for any new appointment.
- 3.3 The capability policy is a revision of the policy approved in March 2013, following feedback from managers on its application and development work for the HR Agresso system, both of which 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. This should enable the policy to be applied in a more supportive context, 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 The cost of implementing the HR policies will be met from within existing revenue budgets. The changes to policies may have on-going financial implications however it is not possible to quantify them until such time as the policies are implemented. Financial implications will be assessed on a case by case basis. [NA/24022014/C]

#### 5.0 Legal implications

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

#### 6.0 Equalities implications

- 6.1 An initial Equality Analysis for each policy has been carried out. Full equality analyses are not required.
- 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 and Policy Phase 4 and 5 Report to Confident and Capable Council Scrutiny Panel 16 October 2013
  - HR Improvement Plan Policy Phase 3 Report to Confident and Capable Council Scrutiny Panel 20 June 2013
  - HR Improvement Plan Policy Phase 2 Report to Performance, Governance and Support Scrutiny Panel 7 March 2013
  - HR Improvement Plan Policy Phase 1 Report to Performance, Governance and Support Scrutiny Panel 30 October 2012

#### PROBATION POLICY

- 1. The probation policy which has been developed to meet business objectives is appended.
- 2. The policy seeks to introduce a consistent and modernised approach to managing probationary periods in the interests both of supporting organisational and individual performance and supporting employees into new roles with the Council. The policy is based on relevant regulations and codes of practice, up to date good organisational practice and is in line with case law development.
- 3. Consultation with HR, a senior managers' reference group has taken place and the revised policy is supported. Consultation with the trade unions is on going.
- 4. Detailed management guidelines are being developed to support the policy implementation. Many of the outcomes of the consultation meetings will be 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.



#### **Human Resources Policy Framework**

#### **Probation Policy**

Approved by:	Cabinet Resources Panel (xx.xx.2014)
Published:	xx.xx.2014
Review date:	xx.xx.2014

CONSULTATION					
The following officers and/or bodies have been consulted on this policy:					
Officers and/or Bodies	From	То			
HR	October 2013	December 2013			
MRG	October 2013	November 2013			
CDB/SEB					
CCC Scrutiny Panel 6 March 2014					
The following Trade Unio	ns have been consulted on	this policy:			
	From	То			
Unison	Unison November 2013				
GMB	November 2013				
Unite	November 2013				



REVIEW LOG			
Date	Version	Comments/Review	Approved by

#### **EQUALITY ANALYSIS**

An equality analysis has been carried out on this policy and procedure. Contact HR Strategy and Policy Team for a copy on 01902 552345 or by email to <a href="https://hr.supportdesk@wolverhampton.gov.uk">HR.supportdesk@wolverhampton.gov.uk</a>

#### ADVICE

Contact HR on 01902 552345 or email

HR.support desk@wolverhampton.gov.uk for HR advice.

#### **COMMENTS AND AMENDMENTS**

Contact HR on 01902 552345 or email <a href="mailto:HR.support@wolverhampton.gov.uk">HR.support@wolverhampton.gov.uk</a> to make any comments or suggest any feedback on this policy.

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#### 1. Policy Statement

- 1.1 This policy covers Wolverhampton City Council's practice on probationary periods for <u>all</u> employees
- 1.2 Managers and employees are advised to familiarise themselves with the policy to ensure that they are aware of the expected standards of performance and conduct.

#### 2. Scope

2.1 This policy and procedure applies to all employees of the Council, including senior managers and employees based in schools e.g. teaching assistants. It is designed to ensure prompt, reasonable and consistent treatment for all employees.

#### 2.2 Variations

Employees appointed under terms and conditions for specific roles, which have additional professional probation requirements, such as social workers and teachers are required to complete a longer assessment e.g. 12 months, before their appointment is confirmed.

#### 3. Principles

- 3.1 All Wolverhampton City Council's employees are required to satisfactorily complete a 6 month probationary period before they can be confirmed in post.
- 3.2 The probation period includes employees who have been recruited to posts within Wolverhampton City Council or from another local authority.
- 3.3 The Council's Probation Policy is intended to help new employees establish their suitability for the post to which they have been appointed and to provide a "settling in" period.
- 3.4 The probationary period should be a constructive process that assists managers when determining whether or not to confirm an employee into their new role. It provides a framework that enables managers to assess the performance of new employees, and to provide any necessary support.

#### 4. Process and Procedure

#### 4.1 Induction



Wolverhampton City Council's Probation Policy will work alongside the induction process with relevant support and guidance provided throughout this period. (For further information on Induction, see the Council's Induction Policy and Procedure).

#### 4.2 One-to-One support and Personal Development Reviews (PDR)

Managers will assess the employee's knowledge and skills in the new role and provide coaching, support and guidance throughout their probationary period to enable them to reach the expected standards.

The manager should keep a record of the one –to- one (1-1) meetings and should use the Probationary Review Form as a checklist to review the standards of performance of their employees. (See attachment A).

The probation process will link to the Council's Appraisal process which will measure the performance objectives set at the beginning of the employee's probationary period. (For further information, refer to the Appraisal policy). Once the new employee completes their probationary period they will receive their first performance appraisal.

#### 5. Probation Review Meetings

Probation review meetings will be carried out at 1, 3 and 6 months for all employees and there may be further review periods for specific professional areas, such as teachers or social workers.

Managers will provide continuous encouragement, praise, support and guidance to employees new to their roles enabling them to reach the agreed objectives and performance targets during their probation.

The manager is expected to carry out regular 1-1 meetings throughout the employee's probationary period. These meetings are an important part of the probation process as it provides both the manager and employee with the opportunity to meet regularly to discuss the employee's work performance achievements and areas for development.

An employee has the right to be accompanied by a trade union representative or work colleague to attend formal review meetings. HR will send a letter to the employee that gives a minimum of 5 working days' notice.

#### 5.1 Initial Review – 1 Month

This review meeting will be held when the employee has been appointed to a new role. The review meeting should be held between the manager and employee that include a discussion about:



- The requirements of the job role
- The expected standards of performance, conduct and attendance
- The objectives to be achieved
- The desired outcomes
- Timescales
- How performance will be assessed and monitored
- When the employee will know whether they have passed their probation.

#### 5.2 First Formal Review - 3 Months

An employee will receive regular 1-1 meetings with their manager to check that they are on target to achieving their performance objectives. The manager will offer relevant coaching, guidance and support to assist with any identified development opportunities.

The manager should have a formal 3 month review meeting with the employee to discuss their work performance, conduct and attendance. Employees should be advised at the meeting whether they have met performance standards satisfactorily during this period of probation.

Where the review reveals doubts about whether their performance is satisfactory, a discussion should take place to:

- identify the problem(s);
- specify what improvements are required; and
- what arrangements (e.g. coaching, training, etc.) will be made available to facilitate this improvement within an agreed timescale).

The manager should advise the employee that an improvement is required, but they will continue to receive support, training and guidance, where necessary, throughout the probationary period.

The outcome of this review meeting will be confirmed in writing by HR within five working days of the meeting.

#### 5.3 Final Formal Review - 6 Months

Managers should provide all employees new to their respective roles with constructive feedback, encouragement and advice before their probationary period ends.

All employees will have a formal 6 month review meeting with their manager at the end of the probationary period to discuss their work performance, conduct and attendance.



There will be 3 possible outcomes following the formal review meeting:

- Passed probation
- Extension to probation
- Not passed probation

#### 6. Outcomes

#### 6.1 Passed Probation

The manager will inform the employee that they have satisfactorily met the required standard to complete their probationary period and a letter from Human Resources will be sent to confirm the appointment. OR

#### 6.2 Extension to Probation

Where the manager identifies that there has been some improvement in the employee's performance which has just fallen short of the agreed improvement timescale, a decision will be made on whether to extend the probationary period up to a further 12 weeks; but **not** beyond.

Managers should consult with HR prior to extending the probationary period. Any decision made to extend the probationary period will be at the discretion of the employee's manager.

The probation period will only be extended where there is a clear indication and expectation that the employee's performance will improve by the extended timescale; OR where the employee has been absent from work due to mitigating circumstances.

Where an extension to the probation has been agreed, the manager will explain to the employee at a formal meeting the reasons for the extension, agree an action plan and continue to have regular reviews with them detailing the additional support that will be given throughout the review process to enable them to reach the required standard. A letter will be sent from HR outlining the decision.

Managers should provide constructive feedback, support and guidance to the employee and continue to monitor their performance against the agreed objectives during the extended probationary period.

The employee should be advised at the review meeting that if they fail to improve to the required standard during the extension period, their employment will be terminated. A letter will be sent by HR to confirm the decision. This decision will be final and the employee will have no right of appeal. OR



#### 6.3 Not Passed Probation

Managers will discuss the employee's performance against the agreed objectives that had been set at the review meetings together with the training and support that has been provided throughout the probationary period.

Where the employee's work performance has remained unsatisfactory and it is considered that further training or support would not lead to them reaching the required standard, their employment will be terminated at the end of the probationary period. HR will send a letter to the employee to confirm the decision with the necessary notice period.

Employees who have additional 'professional or vocational probationary requirements to meet will have their employment terminated at the end of their specified probationary period.

#### 7. Roles and Responsibilities

#### 7.1 Roles and Responsibilities of Employees

- Demonstrate their suitability for the post in their conduct and behaviour
- Meet the agreed objectives within the specified timescales
- Identify to their manager at the earliest opportunity whether they are experiencing any difficulties.

#### 7.2 Role and Responsibilities of Managers

- Establish and communicate the standards of performance of the Council
- Hold regular one-to-one meetings with the employee to form a good working relationship and to provide feedback to the employee on their progress
- Arrange and conduct formal probation review meetings at the intervals as prescribed in the performance management procedure
- Provide supervision to monitor progress or identify difficulties and provide opportunity for resolution by providing training and guidance as necessary
- Advise Human Resources on the outcome of the probation following an extension of any difficulties during the probation period
- Confirm the decision verbally on whether or not the employee has completed their probationary period successfully at their final review meeting.

#### 7.3 Role and Responsibilities of Human Resources

Provide support and guidance to managers and employees on the policy



- Ensure the policy is communicated, reviewed and updated in line with legislation and where possible
- Monitor and review the process by sending out probation review reminders, where necessary
- Advise on cases of unsatisfactory performance and progress and, where appropriate, support managers during formal meetings
- Confirm in writing the outcome of the probation following an extension of or difficulties that have been identified during the probationary period.

#### 7.4 Role and Responsibilities of Chief Human Resources Officer

In consultation with the recognised trade unions, the Chief Human Resources Officer 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 will be brought before Cabinet (Resources) Panel for approval.

#### 7.5 Role of Trade Union

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

#### 8. Monitoring and Review

8.1 The Probation policy and procedure will be reviewed and updated annually and will be available to managers and employees via the Human Resources intranet.

#### 9. Links to other Policies and Procedures and Terms and Conditions

- 9.1 The probation policy cannot be seen in isolation, it is closely linked with the following policies:
  - Induction
  - Capability
  - Grievance
  - Appraisals
  - Recruitment and Selection Policy and Procedure



#### 10. Equality

- 10.1 This policy has been subject to an equality analysis.
- 10.2 The Council has a duty to monitor the application of the policy in relation to protected characteristics under the Equality Act 2010.
- 10.3 If any aspect of this policy causes difficulty on account of any disability that you may have, or if you need assistance as English is not your first language, employees should raise this issue with Human Resources, who will make appropriate arrangements.





#### **APPENDIX A**

#### PROBATIONARY PERIOD REVIEW FORM

Please complete a new form for each review; ensure you have previous evaluation forms available to you

• EMPLOYEE'S	S DETAILS		
_	Jok	o Title:	
	Sta		
AT WHAT STAGE IS	S THIS REVIEW? (Please	tick)	
☐ 1 month Other	3 month	6 month	
Date:	Date:	Date:	Date:
The assessment necessary to complete this form should be made during an interview with the employee who should sign the form at the appropriate place to indicate: understanding of the comments, any action plan, targets and the possible consequences of failure to meet these. A copy of the form should be given to the employee after each review interview and a copy sent to HR to be put on the individual's personal file.			e: understanding of failure to meet
Please rate items 1-9	as appropriate:		
B = Above requirem	nents – goes the "extra n ents – satisfactory, adec		i

		1 Month	3 Month	6 Month	Other (e.g. 12 Months)
Da	te				
1.	Meeting targets				
2.	Standard of work				
3.	Initiative				
4.	Relationship with colleagues				
5.	Relationship with managers				
6.	Relationship with subordinates				
	(if applicable)				
7.	Relationship with partners				
8.	Awareness of corporate policies				
9.	Sickness Record:				
	No. of working days absence during period				
	No. of occasions of absence during period				
	Please add extra information on				
	sickness record if required				



10. Other comments	_		I

Please answer "yes" or "no" to the following questions.

	1 Month	3 Month	6 Month	Other (e.g. 12 Months)
Date				
11. Is the employee's timekeeping satisfactory?				
<ul><li>12. Has it been necessary to discuss with the employee:</li><li>a) Any recurring issues in the performance of his/her duties?</li><li>b) Any misconduct?</li><li>c) Any non-compliance with policies?</li></ul>				
<ul><li>13. Has it been necessary to give:</li><li>a) Any additional training?</li><li>b) More than normal supervision?</li></ul>				

Employees who are not meeting the required standards of work or conduct at any stage during their probationary period should be set aims and objectives with reasonable target dates which will enable them to overcome any of these difficulties. These must be discussed with the employee to ensure that they understand the aims and objectives, the reasons for setting them, as well as the consequences of failing to achieve them. These may be set at any time but details must be entered on the probationary form as well as the employee's personal file.

14. If improvement in some areas is required, please complete the table below:

improvement required?	performance or conduct are required? (i.e. what	By when?	What support / training / development will be provided? (if applicable*)
			* May not be applicable if related to conduct e.g. punctuality



My current assessment is that:				
I consider the employee's performance to be satisfactory, or better				
I consider the employee's performance to be unsatisfactory				
Manager Comments:				
Manager signature Date				
Manager signature Date				
Employee Comments:				
<u> </u>				
Lunderstand the above comments, getion plan and targets which have been				
I understand the above comments, action plan and targets which have been discussed with me. I understand that failure to achieve these targets to the agreed				
standards will jeopardise my continuing employment with the organisation.				
Employee's signature				
Employee's signature Date				

#### Next steps for the manager

- Send a copy of this form to the employee and HR.
- Book the next review or meeting date, as necessary.
- Arrange support and follow-up to make sure it happens.
- Complete Probationary Form and submit to HR.

#### PHASE 4 POLICY FRAMEWORK

#### **CAPABILITY POLICY**

- 1. The capability policy which has been developed to meet business objectives is appended.
- 2. The revised policy was introduced April 2013 and has been reviewed following 9 months of operation and detailed design workshops as part of the Futureworks programme for the implementation of the Agresso system.
- 3. The revisions emphasise the management of performance in the earlier stages and introduces advisory/improvement notifications as outcomes. The final stage of the policy provides for sanctions, including dismissal, for incapability and therefore has a right of appeal.
- 4. Consultation with HR, a senior managers' reference group has taken place and the revised policy is supported. Consultation with the trade unions is on going.
- 5. Detailed management guidelines already exist, but will be amended to reflect the revisions and support implementation. Many of the outcomes of the consultation meetings will be 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.



#### **Human Resources Policy Framework**

#### **Capability Policy and Procedure**

Approved by:	Cabinet Resources Panel (12.03.2013)		
Published:	01.10.2013		
Review date:	01.10.2014		

CONSULTATION					
The following officer and or bodies have been consulted on this policy:					
Officers and or Bodies	From	То			
HR	04.12. 2012	22.02. 2013			
MRG	20.12.2012	31.01.2013			
CDB	12.12.2012	21.02.2013			
SEB	12.12.2012	21.02.2013			
PGSS	07.03.2013				
The following Trade Unions have been consulted on the policy					
	From	То			
Unison	15.012013	31.01. 2013			
GMB	15.012013	31.01. 2013			
Unite	15.012013	31.01. 2013			

REVIEW LOG			
Date	Version	Comments/Review	Approved by
20.11.2012	0.1	LH	
30.11.2012	0.2	LH/SS	
15.01.2013	0.4	LH following HR	
		moderation panel	
18.02.2013	0.5	HR Review	

### **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 <a href="mailto:HR.supportdesk@wolverhampton.gov.uk">HR.supportdesk@wolverhampton.gov.uk</a> for HR advice.

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### **COMMENTS AND AMENDMENTS**

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### 1. Policy Statement

- 1.1 This policy is designed to help and encourage all employees to achieve and maintain standards of good performance. The formal process should be followed once all other informal avenues have been exhausted. It is the employee's manager's responsibility to follow the procedure where performance is shown to be below the standards required for the role.
- 1.2 Wolverhampton City Council has a commitment to assist employees to achieve and maintain a high standard of performance in their work. It will ensure that standards are clearly defined and communicated, performance is monitored and employees are given appropriate training and support to meet these standards.
- 1.3 Cases of poor performance should be identified and tackled promptly and the manager's focus and the employee's efforts must be to work together to meet the required standards.
- 1.4 The annual performance appraisal process is where objectives and development need are discussed and agreed. Cases of poor performance should not be left to be dealt with under this process. The appraisal sets the standards for monitoring and reviewing the objective achievements.
- 1.5 Issues of poor performance should be identified at an employee's 1:1 meeting and tackled promptly.
- 1.6 Employees have a statutory right to be accompanied by a trade union representative, or work colleague, at any formal meeting or appeal hearing.
- 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, excluding those employees directly employed by schools, JNC officers and employees who are within their probationary period, in which case, the probationary procedure applies.

### 3. Principles

Wolverhampton City Council recognises that its employees are essential to achieving its strategic objectives.

3.1 The policy aim is to help employees to perform competently in his/her job role.

- 3.2 In applying this policy the Council will:
  - Ensure that staff are competent and confident in their roles by encouraging a continuous cycle of personal development including:
    - o Induction
    - o 1:1 meetings
    - Group supervisory meetings where appropriate
    - o Performance appraisal
  - Identify and tackle cases of poor performance promptly
  - Establish the facts before taking action
  - Not normally dismiss an employee for poor performance unless a chance to improve has been given
  - Ensure that objectives and performance measurements are discussed at the annual appraisal meeting
  - Ensure that matters of poor performance are addressed throughout the year through 1:1s or group supervisory meetings and that the annual appraisal process contains no surprises for employees or managers over performance levels
  - Consider whether poor performance may be related to a disability and if so, whether there are any reasonable adjustments that can be made to overcome difficulties caused by workplace arrangements
  - Assess each case on its merits.
- 3.3 Address issues relating to attendance and health through the Managing of Attendance Policy/Procedure.
- 3.4 Address issues relating to misconduct through the disciplinary procedure.
- 3.5 Any refusal to comply with reasonable instructions relating to performance standards will be tackled under the disciplinary procedure.
- 3.6 Before taking any formal action managers should first seek to establish the facts and decide whether a more positive approach is likely to be more effective.

#### 4. Process and Procedure

The policy is written with the purpose of helping employees to improve on their work performance. Managers will assess each capability issue on its merits providing support, guidance and the offer of any available training, where applicable to enable the employee to reach the expected level to perform in his/her job role competently.

Human Resources will be involved in **all** formal review stages of the capability process to offer coaching, support and guidance to managers, enabling them to resolve performance issues at the earliest intervention.

Employees will have the right to be accompanied by a work colleague or trade union representative at any formal capability meetings or at an appeal hearing. Managers should keep records of all 1-1's and formal review meetings.

### 4.1 Informal Action – (Informal meeting)

Cases of minor or unsatisfactory performance are usually best dealt with informally. A quiet word may be all that is necessary to improve an employee's performance. In some cases, additional support, coaching and advice may be necessary.

The cause of the poor performance should be discussed with the employee and the appropriate action to rectify the issues taken.

Where managers monitoring an employee's performance identify the cause for the underperformance is due to the lack of skills required to do the job, the employee should be offered training, coaching or some other appropriate assistance, if applicable.

A reasonable timescale to achieve and maintain the required standard should also be agreed between the manager and employee. Managers should keep brief notes of any informal discussions held with the employee.

### 4.2 Formal Action

### Stage 1 – Improvement Review Meeting (Formal Review Meeting)

Where an employee shows little (or insufficient) improvement following informal attempts to deal with the performance issues, the manager will write to the employee inviting him/her to attend a formal capability review meeting.

Managers are responsible for setting realistic standards of performance, for explaining these standards to employees and for the provision of training, support and guidance, where applicable, so that the employee has the opportunity to perform well.

The employee should be given five working days' notice of the meeting. The letter should advise them of:

- The specific nature of the poor performance issue along with supporting documents, where appropriate
- Time and date of the formal review meeting
- The right to be accompanied by their trade union representative or work colleague.

At the formal review meeting the manager will present evidence of the informal actions/support that has been given to assist the employee to reach and maintain the required standard of performance.

The employee will be encouraged to give his/her view of the performance issues raised and asked whether any further support is needed to improve.

At the end of the formal review meeting, the employee will be notified within 5 working days of the outcome, unless it is not practicable to do so.

### Unable to attend meeting

Employees who are unable to attend the formal review meetings because their trade union representative or work colleague cannot attend may offer a reasonable alternative date within five working days of the original date.

In instances where the employee becomes sick or has a stress related illness the review meeting can be re-scheduled once. If the employee still remains sick, the hearing should go ahead and a decision made in his/her absence.

### The decision at the formal review meeting may be one of the following:

- No further action is required and the employee will receive written notification confirming this decision.
- The finding of poor performance for which a formal improvement letter is issued to the employee. The letter will cover the following:
  - The performance issue
  - The improvement required
  - o The timescales for achieving the improvement
  - o Review date
  - Any support the manager will give to assist the employee
  - Potential to progress to stage 2 if insufficient improvement is demonstrated at the review.

The length of the improvement period will be dependent upon the performance issues identified. A reasonable length of time should be agreed for improvement to be made. The precise time for the improvement will depend upon the complexity of the issue and the potential adverse impact on the service delivery.

Managers should provide support, guidance and training as available, throughout the review periods to help enable employees to improve to the required level of competence.

An inability to demonstrate an improvement in performance following a review could result in the matter being progressed to stage 2 of the procedure.

# 4.3 Stage 2 - Improvement Review Meeting (Insufficient Improvement) (Formal Review Meeting)

Where an employee's work performance does not improve sufficiently within the review period, **OR** if there is further evidence of poor performance, the manager will write to the employee advising him/her of the:

- Issues of concern on the employee's performance during the review period along with any supporting documents, if appropriate
- Time and date of the formal review meeting, giving at least five working days' notice unless not practicable to do so
- Right to be accompanied at the meeting by a trade union representative or a work colleague.

# There will be three possible decisions made at the formal review meeting:

No further action required

• There has been satisfactory improvement in the employee's performance and no further action is required.

#### OR

Some improvement but not to the expected level

- There has been some improvement in the employee's performance but not to the expected level required; the review period will be extended for a specific period.
- The manager will continue to monitor the employee's performance and will offer training, development advice, guidance or other support to enable the employee to achieve to the required standard during this review period.
- The letter sent to the employee will make it clear that failure to meet the required standard may potentially result in the employee being progressed to stage 3 of the procedure which in turn could potentially result in dismissal.

#### OR

Insufficient Improvement

 There has been insufficient improvement in the employee's performance and the manager will issue a final improvement letter. This will include details of the underperformance and the expected level of improvement required.

The final improvement letter will include specific, reasonable timescales for the employee to make the improvements in his/her work performance, where the expected standards have not been met. The letter will be disregarded for capability purposes after 24 months or such other period as specified at the time it is issued.

### 4.4 Stage 3 – Final Decision Hearing (Dismissal or Other Action)

Where there has been insufficient improvement in the employee's performance, the manager will write to the employee advising them of the:

- Time and date of the hearing
- Right to be accompanied at the meeting by a trade union representative or a work colleague
- Their right to ask relevant witnesses to appear to support his/her case
- Issues of concern regarding performance during the review period along with supporting documents, if appropriate. Supporting documents may include notes of one to ones or supervisory meetings, the appraisal documentation showing agreed objectives and/or notes from appraisal meetings.

The capability hearing will be conducted by a panel and arranged within **15 working days** of the decision to proceed. The panel will be chaired by an appropriate senior manager with the authority to dismiss, who has no previous involvement in the case and normally from the respective Directorate or Service area.

### Following the stage 3 hearing the following options may be considered:

Dismissal on Capability Grounds

An employee will receive a formal failure to improve letter that explains that they are being dismissed on capability grounds and given the appropriate notice period as set out in their contract of employment.

In some cases the employer may be prepared to offer the employee an alternative to dismissal, which may be one of the following:

#### Transfer

A transfer to a single, specified and available post of the same grade which the employee would be competent to fill as an alternative to dismissal. **OR** 

#### Demotion

Demotion to a lower graded post. In this instance there will be no protection of pay and the employee will automatically serve a 6 month probationary period in the new post. The recording of this sanction will remain on file for 24 months.

Should the Chair of the capability hearing be contemplating a transfer or demotion, then the hearing must be adjourned and the case discussed with the Chief Human Resources Officer before any alternative 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.

### 5. Appeals against Dismissal (Appeal Hearing)

- 5.1 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.
- 5.2 The purpose of an appeal against dismissal is for an employee to have his/her case reviewed and for the Chair to decide whether or not the dismissal applied is fair, reasonable, consistent and soundly based.

# 6. Roles and Responsibilities Roles and Responsibilities of Employees

6.1 Employees have a responsibility to comply with this policy adhering to its terms and conditions, and be responsible for their performance.

### **Roles and Responsibilities of Managers**

6.2 Managers have a responsibility to communicate this policy to their staff and sanctions for breaches.

Managers should ensure 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 breaches.

### Roles and Responsibilities of HR

6.3 HR will provide operational support and advice to the organisation to enable the effective management of capability issues under this policy.

Specifically, HR has a responsibility to:

- Produce and maintain managers guidance notes
- Ensure the communication, maintenance, regular review and up dating of this policy
- Monitor and review delivery and impact of this policy.

#### Role of Head of HR

6.4 In consultation with the recognised Trade Unions, The Chief HR Officer 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 Resources Panel for approval.

#### **Role of Trade Unions**

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

### 7. Monitoring and Review

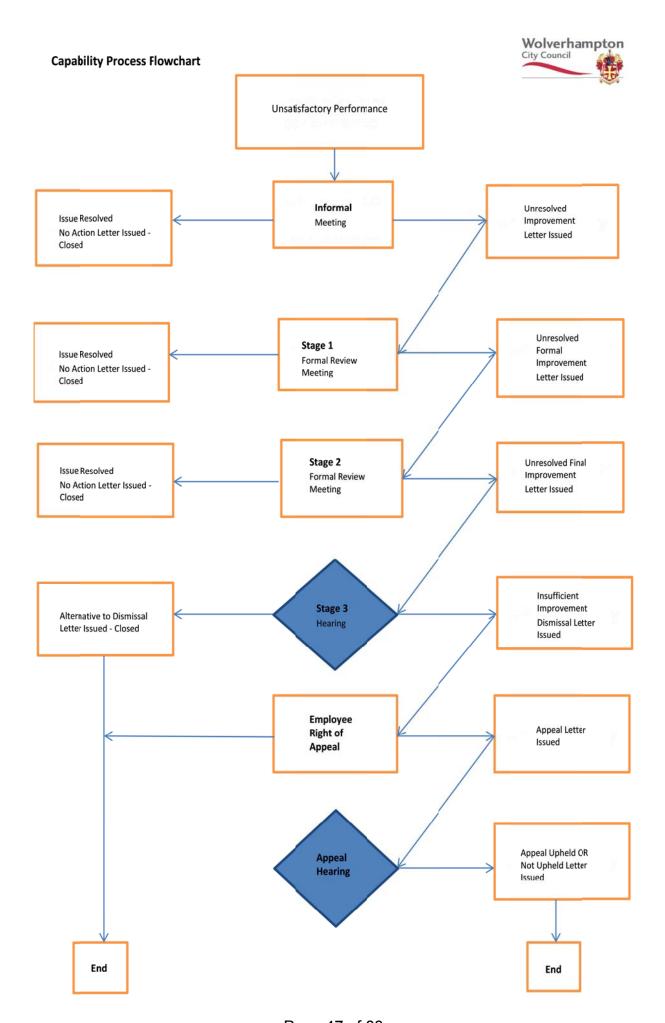
7.1 The Capability policy and procedure will be reviewed and updated annually and be available to managers and employees via the HR intranet.

#### 8. Links to other Policies and Procedures

- Performance Appraisal and Personal Development Review Policy and Procedure
- Grievance Policy
- Disciplinary 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 capability 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.



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### Glossary

### Capability

The ability to perform the duties required of the role. Capability differs from disciplinary which is concerned with (mis)behaviour whereas capability deals with ability.

#### **Poor Performance**

Performance is the required work standard and expectation of employees. The appraisal process will be where the employee's objectives are set and will identify the measurement of these objectives. Poor performance is where an employee is not achieving the required standard for the role and this should be dealt with promptly to rectify the situation.

### **Annual Appraisal**

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

### One to one (1:1)

A one to one (1:1) is a regular formal meeting between the manager and the employee, sometimes referred to as supervision.

#### **Appeal**

Where an employee feels that the outcome 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.

Agenda Item No: 7



# **Confident Capable Council Scrutiny Panel**

6 March 2014

Report title Implementation of the Customer Services

Strategy

Cabinet member with lead

responsibility

Councillor John Reynolds

City Services

Wards affected All

Accountable director Keith Ireland , Delivery

Originating service Customer Service

Accountable employee(s) Sue Handy Head of Customer Service

Tel 01902 55(3053)

Email Sue.handy@wolverhampton.gov.uk

Report to be/has been considered by

### Recommendations for noting:

#### The Panel is asked to note:

1. the progresses made in relation to the implementation of the Customer Services Strategy and provide feedback on issues of concern

### 1.0 Purpose

1.1 To update Councillors on progress made to date in respect of the implementation of the Customer Services Strategy.

### 2.0 Background

- 2.1 The Customer Services Strategy was approved for delivery by Cabinet on 10 October 2012. The strategy sets out the Council's ambitions for the future delivery of customer services to the citizens of Wolverhampton, partner organisations, and existing or potential business partners.
- 2.2 The strategy also identifies the need to look inward and evaluate how services within the Council can improve the way in which they work together to provide complete responses first time to our customers.
- 2.3 There are 14 stated projects within the strategy; delivery of these projects supports successful implementation of the strategy.
- 2.4 On 11 April 2013 Performance Governance and Support Services Scrutiny Panel received an update report on progress against delivery of the 14 projects.

### 3.0 Progress

- 3.1 The 14 stated projects have been amalgamated and the number of projects to be delivered reduced to 10. All 10 projects have now either been delivered or are deemed to be closed. Progress against the resulting projects has been reported to the Programme Office through monthly highlight reports; the final highlight report was submitted in January 2014 and this report is attached as Appendix 1.
- 3.2 Project number 7, Freedom Of Information (FOI) review was reported as having a red RAG status at the end of December; this denotes a missed milestone. In this instance the missed milestones related to IT systems configuration issues in respect of specialist software and delays caused by the centralisation of the FOI resource to achieve savings.
- 3.3 The FOI review project number 7 has now been completed; further developments and service improvements such as the introduction of a case management system and ongoing developments to improve logging, tracking and performance reporting on response times are planned for 2014/15. These workstreams are considered to be business as usual and as such will not be reported through the Programme Office.
- 3.4 The main focus of work since the last update has been Process Improvement, Project 9; in order to deliver this project specialist consultants were engaged to support the Council in undertaking a diagnostic review of Council's contact centre, City Direct. The review is now complete and the resulting report includes a number of recommendations including:

- A high level road map to optimise City Direct by migrating additional services into the contact centre; this will improve resolution of enquiries at first point of contact and deliver significant efficiencies across the authority.
- Proposals that establish the position of City Direct in relation to the newly created
   Transactional Hub which is part of the FutureWorks Programme.
- 3.5 Approval to deliver all recommendations within the consultant's report will be the subject of a separate report to Cabinet (Resources) Panel.
- 3.6 Work to improve the customer experience for people visiting the Civic Centre and create a more customer focused environment has continued to progress as a priority.
- 3.7 **Receptions**: City Direct now manage Housing Benefits Reception; cross training between this staff group and Main Reception staff has resulted in more efficient handling and resolution of customer enquiries at first point of contact. Corporate Complaints and Electoral Registration are now handled by Main Reception making these processes more efficient and easier for the customer to access. Reception Staff now have access to a tablet which is used to assist with interpreting for deaf customers through a facetime link with a BSL Interpreter; this development has improved access to Council services for our deaf customers. The Business Reception on the second floor, formerly Reception 24, now handle land registry enquiries allowing more business enquiries to be resolved at first point of contact and improving customer experience.
- 3.8 **Ground Floor**: A bank of 4 computers for public use has been installed on the ground floor. The computers are used to encourage customers to access Council services and make applications for licences etc. via the web. Currently use of these computers is not restricted as our aim is to encourage customers to become familiar with this facility; usage is monitored and managed by reception staff and customers wanting to do Council business on line are given priority access.
- 3.9 **City Direct Team**: City Direct achieved IIP Gold Status in June 2013 demonstrating excellent business planning, leadership, management effectiveness, and performance measurement. Maintaining IIP principals improves working culture, increases employee engagement and supports change. Ultimately this has improved the service that we give to our customers and will instil confidence in staff and services migrating into City Direct in the future.

### 4.0 Next Steps

- 4.1 Once endorsed City Direct will lead on delivery of the recommendations within the Customer Services Review report. Delivery of the recommendations will be project managed and reported to the Corporate Programme Office each month as required.
- 4.2 Delivery of the FutureSpaces programme includes development of a Customer Services Centre; City Direct are working closely with the FutureSpaces Programme lead to ensure that the new facility meets the needs of all internal and external customers.

4.3 As a leading organisation City Direct have been invited, and agreed to be IIP Gold Champions; champions are role models and mentors for other private and public sector business. Undertaking this role will afford us the opportunity to share best practice, experiences and business insight with other organisations; improving how we do things and ultimately the service that we give to our customers.

### 4.0 Financial implications

4.1 All costs associated with delivery of the Customer Service Strategy have been contained within the approved City Direct 2013/14 budget. [CH/20022014/Q]

### 5.0 Legal implications

5.1 There are no legal implications arising from this report. [JH/19022014/L].

### 6.0 Equalities implications

6.1 An Equalities Analysis was completed in 2012 as part of the Customer Services Strategy; work to update this analysis and ensure that it is fit for purpose is currently being progressed.

### 7.0 Environmental implications

7.1 There are no legal implications arising from this report.

### 8.0 Human resources implications

8.1 There are no legal implications arising from this report.

### 9.0 Schedule of background papers

- 9.1 Report to Performance and Governance Scrutiny Panel 2 February 2012.
- 9.2 Report to Cabinet on 10 October 2012 Development of a Customer Services Strategy for the Council.
- 9.3 Report to Corporate Delivery Board and senior Executive Board October 2012 Proposals for Customer Service Improvements in the Civic Centre.
- 9.4 Report to Performance Governance & Support services Scrutiny Panel 11 April 2013.

### Appendix 1

Implementation of the Customer Service Strategy Highlight Report January 2014

Customer Services Project – 2 <sup>nd</sup> December – 24 <sup>th</sup> January 2014						
Report Author:	Chris Beech		Project/Programme Man	ager:	Chris Beech	
Accountable Strategic Director:	Keith Ireland		Accountable Assistant Director:		Alistair Merrick	
Overall Programme Budget	Revenue:	N/A	Capital:	N/A		
Project Timescales	Start date:	01 Oct 2012	End Date:	31 March 2015		
Corporate Plan objective:	Confident, Cap	able Council				
Programme Objective	To deliver workstreams that support implementation of the Council's Customer Service Strategy which will improve customer service to the citizens of Wolverhampton and other stakeholders					

Overall Programme RAG status last reporting period	Overall Programme RAG status this reporting period	Comments
AMBER	BLUE	<ul> <li>All projects under the programme of work have now been completed or closed and passed on to the relevant service areas. There is not a milestone map as all previous milestones have either been completed or assigned to another programme/project.</li> <li>An end programme report will be compiled for the next reporting period submission in February, this will contain any follow on actions and recommendations</li> </ul>
Overall risk RAG status relating to savings and finance last reporting period	Overall risk status relating to savings and finance this reporting period	Comments
GREEN	GREEN	No financial risks to report as all projects have been delivered within existing departmental budgets
Actions required by SEB/CDB:	None to report	
Information to be noted by SEB / CDB:	The programme is in the closu	re phase, and will be formally closed once sign-off has been agreed for the End of Programme Report

Title of Project/s or workstreams. List all applicable	Project Manager / Workstream Lead	Overall RAG status Last Month	Overall RAG status This Month	Comments – use this space to make general comments around the status of the project or workstream
1) Re-Configuration of Civic Centre Reception Facilities	Saty Sandhu	BLUE	BLUE	Phase II will be realised as part of FutureWorks programme
2) Restructure of City Direct	Sue Handy	BLUE	BLUE	30/09/2013
3) Rebranding of Customer Services	Chris Beech	BLUE	BLUE	16/10/2013
4) Content Management System	Rakesh Patel	BLUE	BLUE	18/10/2013
5) Customer Relationship Management (CRM) System	Andy Hoare	AMBER	BLUE	A business case is being compiled with view of presenting options to the Cabinet in February. Until an approval and financial backing from the Council is in place, this programme will not materialise. The reason this project is being closed within the Customer Service Strategy Programme is because it is anticipated that Corporate CRM replacement work will become a Programme itself
6) Corporate Complaint Process Review	Lamour Gayle	BLUE	BLUE	31/05/2013

7) FOI Process Review	Charlotte John	RED	BLUE	The Information Rights Team has been centralised within the Office of Chief Executive. The team will coordinate all information requests for the Council ensuring compliance with legislation including; Freedom of Information Act 2000, Data Protection Act 1998 (including Subject Access Requests); Environmental Information Regulations 2004.  Improved systems and procedures have been implemented to increase efficiency in response to the ICO audit. A project on the introduction of a case management system is planned for the new financial year 2014/15 and on-going developments to improve logging, tracking and performance reporting on response times have been put in place
8) Customer Access (review of customer correspondence)	Lamour Gayle	BLUE	BLUE	22/11/2013
9) Process Improvement	Sue Handy	GREEN	BLUE	This project is now completed for the external consultant has completed a health check of current City Direct functions and drafted a report with Customer Service process improvement recommendations. The report is due to be presented to the Budget Working Party and then to the Cabinet (Resources) sometime in February/March 2014. The health check includes a review of services across the Council to asses their viability to be offered through City Direct. The Cabinet Member for Resources has requested clarification of the treatment of the projected savings in respect to the existing savings proposals of the Delivery Directorate
10) Ground Floor Re-Vamp	Saty Sandhu	BLUE	BLUE	30/08/2013

Risk Description	Impact	Mitigating Actions	Update since last reporting period	Risk Owner	Date required	Probability score	Impact score	Overall risk Score
There is a risk that Cabinet (Resources) Panel may not sign off the consultant report and recommendations	Resulting in no Customer Service strategic direction or development	The remit for the consultant to produce the report and recommendations were specific and clear which should not spring any surprises. Upon closing this programme this risk will remain with Sue Handy and Keith Ireland to address	22.01.2014 – Risks have been transferred to the service	Sue Handy	February/ March 2014	2	5	10
There is a risk that the Cabinet (Resources) Panel does not meet up as scheduled in February/ March 2014	Resulting in further delays to this project being delivered	Ensure that the report is taken to the next Cabinet (Resources) Panel meeting. Upon closing this programme the risk will remain with Sue Handy and Keith Ireland to address	22.01.2014 – Risks have been transferred to the service	Sue Handy	February/ March 2014	1	5	5

Agenda Item No: 8



# Confidant Capable Council Scrutiny Panel

6 March 2014

Report title Budget Update and Review

Cabinet member with lead

responsibility

Councillor Andrew Johnson

Resources

Wards affected All

Accountable director Keith Ireland

Originating service Delivery

Accountable employee(s) Mark Taylor Assistant Director Finance

Tel 01902 55(6609)

Email Mark.taylor@wolverhampton.gov.uk

Report to be/has been considered by

### Recommendation(s) for action or decision:

The Panel is recommended to:

- 1. Consider the arrangements for:
  - a. Ensuring adequate identification and management of budget risks;
  - b. Budget planning and forecasting for future years.
- 2. Provide feedback to Cabinet on the updated five year budget and medium term financial strategy 2014/15 to 2018/19.

### 1.0 Purpose

1.1 To bring to the Panel's attention information about the Council's finances that has recently been reported to Cabinet and Cabinet (Resources) Panel, including:

Report to Cabinet 22 January 2014 relating to Monitoring of the 2013/14 Budgets
The forecast outturn position for 2013/14 against capital budgets as at quarter three, and the 2014/15 to 2018/19 budget strategy;

Report to Cabinet 22 January 2014 relating to the Council's Housing Revenue Account (HRA) Business Plan

Housing Revenue Account Business Plan (Including 2014/15 Budget Rents and Service Charges).

Report to Cabinet (Resources) Panel 11 February 2014 relating to Monitoring of the 2013/14 Budgets

The council's treasury management activities during the third quarter of 2013/14 and the forecasts for the remainder of the year.

- 1.2 To bring to the Panel's attention the response of Cabinet to the results of the budget consultation and of budget scrutiny included in the five year budget and medium term financial strategy 2014/15 to 2018/19 report to Cabinet on 25 February 2014.
- 1.3 To bring to the Panel's attention, and request feedback on, the five year budget and medium term financial strategy 2014/15 to 2018/19 that was reported to Cabinet on 25 February 2014, in particular those elements that are relevant to this Scrutiny Panel, including specifically the additional savings proposals detailed at Appendix A.

### 2.0 Background

- 2.1 As set out in Scrutiny Panel's work plan, the Panel will receive regular updates on the budget and medium term financial strategy throughout the year. This is the fourth report of this nature for 2013/14.
- 2.2 As stated in the last report to Panel on the draft budget and medium term financial strategy 2014/15 to 2018/19 the Panel is to consider the response of Cabinet to the comments made by Scrutiny Board during the November/December round of meetings, together with any new savings proposals that may emerge.

\*In order to minimise printing costs the Panel Chair has agreed that full versions of the reports will not be circulated again - however it is recommended that panel members review the reports ahead of the meeting, and are requested to <u>please</u> bring the full versions that were circulated with the relevant Cabinet agenda papers to this meeting

### 3.0 Five year budget and medium term financial strategy 2014/15 to 2018/19

- 3.1 The final version of the five year budget and medium term financial strategy 2014/15 to 2018/19 for recommendation to Council for approval was reported to Cabinet on 25 February 2014. This version was prepared following receipt of the final settlement figures for 2014/15, further work undertaken following the adoption of the adapted strategy approved on 8 January 2014 and the outcome of budget consultation and scrutiny.
- 3.2 The report identified that the remaining budget deficit over five years (after all proposed savings and amendments) was £59.2 million. It was noted that significant uncertainty over future funding still exists and the projected deficit over the medium term could change significantly.
- 3.3 Included in the five year budget and medium term financial strategy 2014/15 to 2018/19 are additional savings proposals relating to the remit of this panel. These are listed in Appendix C to the 25 February 2014 Cabinet report. The panel is requested to provide and record its comments on these proposals, for submission to Scrutiny Board and then Cabinet.
- 3.4 In addition to comment on the additional savings proposals, the panel may also request additional information or clarification. Any such requests will be noted separately, either for consideration by the panel at a future date, or for information to be forwarded to the panel members concerned.
- 3.5 More detailed information on each of the savings proposals has been published on the Council's Website and can be found via the following link <a href="http://www.wolverhampton.gov.uk/budgetsavings">http://www.wolverhampton.gov.uk/budgetsavings</a>.
- 3.6 The report noted that the outcome of budget scrutiny was reported to and considered by Cabinet on 22 January 2014. Scrutiny Board considered Cabinet's response to the first round of budget scrutiny at its meeting of 11 February 2014. The final budget recommendations in the 25 February report take into account Cabinet's consideration of the outcome of budget scrutiny.
- 3.7 The report noted that results of budget consultation were reported to Cabinet (Resources) Panel on 11 February 2014 which agreed the initial response of Cabinet to the budget consultation. Further consultation in respect of the additional savings proposals will be undertaken as appropriate. The report provides, subject to this further consultation, the final response of Cabinet to the budget consultation.
- 3.8 The report stated that in response to serious concerns in the consultation three warden posts are to be reinstated, which reduces the saving achievable by £76,000.
- 3.9 The following table provides a summary of the six main areas of risks associated with the Medium Term Financial Strategy, using the corporate risk management methodology.

Risk	Description	Level of Risk
Financial and Budget Management	Risks that might materialise as a result of the impact of non-pay inflation and pay awards, staff vacancy factors, VAT rules, loss of ICTS facilities, treasury management activity and the impact of single status and budget management failure.	Amber
Transformation Programme	Risks that might materialise as a result of not identifying savings, not delivering the savings incorporated into the budget and not having sufficient sums available to fund the upfront and one-off costs associated with delivering savings and downsizing the workforce.	Red
Income and Funding	Risks that might materialise as a result of income being below budgeted levels, claw back, reduction to government grant or increased levels of bad debts.	Red
Service Demands	Risks that might materialise as a result of demands for services outstretching the available resources.	Amber
Third Parties	Risks that might materialise as a result of third parties and suppliers ceasing trading or withdrawing from the market.	Amber
Government Policy	Risks that might materialise as a result of changes to Government policy including changes in VAT and personal taxation rules and, in particular, from the Care Bill.	Red

3.10 The overall risk associated with the Medium Term Financial Strategy for the 5 year period 2014/15 to 2018/19 budget is currently assessed as Red.

### 4.0 Capital Budget Monitoring 2013/14 as at Quarter Three

- 4.1 Cabinet approved the revised medium term General Fund (excluding housing revenue account) capital programme of £315.6 million for the period 2013/14 to 2018/19.
- 4.2 Additional resources for capital schemes of £8.9 million were approved.
- 4.3 The capitalisation of Redundancy costs of £1.3 million under the capitalisation direction received from the Secretary of State on 17 January 2014 was approved.
- 4.3 Appendix H to the report provides an analysis of the risks associated with the capital programme, along with details of the risk control measures that are in place in order to

manage and mitigate these risks as far as possible. The overall risk associated with the capital programme continues to be quantified as Amber.

# 5.0 Housing Revenue Account Business Plan (Including 2014/15 Budget Rents and Service Charges)

- 5.1 The report presented an updated Housing Revenue Account (HRA) Business Plan for recommendation to full Council and included a proposed HRA budget for 2014/15. Consultation with tenants on the 2014/15 budget was carried out by Wolverhampton Homes on behalf of the Council. A summary of their findings was attached at Appendix C
- 5.2 The recommended average rent increase to take effect from 7 April 2014 was 6.23%. This will yield an estimated total rent income of £91.4 million in the 2014/15 financial year, and lead to an average actual rent of £81.41 per week. Details of this increase, and increases in other income streams, were included in Appendices B1 B4.
- 5.3 Appendix E to the report provided a detailed analysis of the risks associated with the HRA Budget and Capital Programme, along with details of the risk control measures that are in place in order to manage and mitigate the risks as far as possible. The overall risk associated with the budget was quantified as amber.

### 6.0 Treasury Management Activity Monitoring as at Quarter Three

- 6.1 The Council is continuing to operate within the Prudential and Treasury Management Indicators approved by the Council, and also within the requirements set out in the Council's approved Treasury Management Policy Statement.
- 6.2 The Councils treasury management activities are forecast to deliver savings of £1.0 million for the General Fund and £3.0 million for the Housing Revenue Account (HRA) for 2013/14.

### 8.0 Financial implications

8.1 These are detailed within the reports to Cabinet and Cabinet (Resources) Panel. [NA/19022014/E]

### 9.0 Legal implications

9.1 These are detailed within the reports to Cabinet and Cabinet (Resources) Panel. [AS/26022014/X]

### 10.0 Equalities implications

10.1 These are detailed within the reports to Cabinet and Cabinet (Resources) Panel.

### 11.0 Environmental implications

11.1 These are detailed within the reports to Cabinet and Cabinet (Resources) Panel.

### 12.0 Human resources implications

12.1 These are detailed within the reports to Cabinet and Cabinet (Resources) Panel.

### 13.0 Schedule of background papers

Report to Cabinet 22 January 2014 relating to Monitoring of the 2013/14 Budgets
The forecast outturn position for 2013/14 against capital budgets as at quarter three, and the 2014/15 to 2018/19 budget strategy;

Report to Cabinet 22 January 2014 relating to the Council's Housing Revenue Account (HRA) Business Plan

Housing Revenue Account Business Plan (Including 2014/15 Budget Rents and Service Charges).

Report to Cabinet (Resources) Panel 11 February 2014 relating to Monitoring of the 2013/14 Budgets

The council's treasury management activities during the third quarter of 2013/14 and the forecasts for the remainder of the year.

Report to Cabinet 25 February 2014 relating to the 2014/15 Budget and Medium Term Financial Strategy

5 Year budget and Medium Term Financial Strategy 2014/15 to 2018/19

Agenda Item No: 9



# **Confident Capable Council Scrutiny Panel**

6 March 2014

Report Title Local Audit and Accountability Act

Cabinet member with lead responsibility

Councillor Paul Sweet

Governance and Performance

Wards Affected All

Accountable director Keith Ireland, Delivery

Originating service Audit Services

Accountable officer(s) Peter Farrow Head of Audit

Tel 01902 554460

Email peter.farrow@wolverhampton.gov.uk

Report to be/has been

considered by:

Strategic Executive Board - 31 October 2013

### Recommendation(s) for action or decision:

The Panel is recommended to:

1. Consider the options for the procurement of the external audit service once further details are made available.

### Recommendation(s) for noting:

The Panel is asked to note:

2. The further implications arising from the Local Audit and Accountability Act.

### 1.0 Purpose

1.1 To bring to the Panel's attention the implications arising from the Local Audit and Accountability Act.

### 2.0 Background

- 2.1 This Act is intended, as far as possible, to bring the public sector audit regime into line with the private sector. Under the Act, local authorities will choose their own auditors, and a new decentralised audit regime covering local government, police and health bodies will be established. The Financial Reporting Council will become the primary regulator within the new framework and the National Audit Office will prepare and maintain the Code of Audit Practice and associated guidance to auditors.
- 2.2 The Act also contains additional clauses, one on the local authority publicity code, one on adjusting the provisions for referendums on rises in council tax and another provides new transparency measures, so citizens and press now have the right to film and tweet from any local government body meeting.
- 2.3 On 30 January 2014 the Act passed into law following Royal Assent.

#### **Local Audit**

- 2.4 The Audit Commission currently appoints the external auditor to a range of local public bodies in local government, sets expected standards and oversees their work. The Act delivers the government's commitment to close the Audit Commission and transfer its remaining functions. It will put in place a new audit framework giving local public bodies the freedom, with safeguards, to appoint their own external auditors (the council's external auditors are currently PwC) and manage their own external audit arrangements. In doing so they will be required to establish, consult and take into account the advice of an independent auditor panel.
- 2.5 The Act requires the majority (or all) of such an independent auditor panel, including the Chair to be independent from the local authority. The Act permits existing audit committees to take on the role of an auditor panel, providing the independence criteria are met. Other options include sharing an auditor panel with one or more other authorities under a collective procurement exercise.
- 2.6 Following such a procurement exercise, auditor panels have a duty to advise authorities on the selection and appointment of local auditors, although authorities are not bound to accept that advice. Where they do not follow the advice of their auditor panel, authorities will need to publish their reasons for choosing a different auditor. Ultimately, the final decision needs to be made by the full council and cannot be delegated.
- 2.7 While the council currently has two independent members of the Audit Committee, these do not form the majority of the Committee, and therefore, the existing Audit Committee does not meet the independence criteria. However, there are a number of options the council could take in setting up an independent auditor panel, these include:
  - The two independent members, along with the Chair of the Audit Committee, would meet the independence criteria and could therefore, form an independent auditor panel.

- The council could share an auditor panel with a neighbouring authority, for example Sandwell MBC with whom the council already shares the Head of Audit. Also, one of the independent members of the Audit Committee at the council, is also an independent member at Sandwell.
- The Head of Audit could explore the possibility of forming a wider ranging audit panel with a number of other West Midland's local authorities, and other public sector organisations, who will also be seeking to set up such a panel, including amongst others, the West Midlands Fire Service (for whom the Head of Audit at the council is also their Head of Audit) and Wolverhampton Homes.
- 2.8 It is envisaged that local bodies will appoint their own auditors from the start of the 2017/18 financial year. Therefore, an independent auditor panel would need to be established, and a procurement exercise undertaken, sometime in 2016. CIPFA have indicated that they will provide guidance and advice to assist authorities on both independent auditor panels, and a suggested procurement approach, as and when further details become available.

#### **Council Tax Referendums**

- 2.9 The Localism Act 2011 introduced local council tax referendums by placing a duty on billing authorities, major and local precepting authorities, to determine whether their council tax increase for a financial year was excessive. A referendum is triggered when a council sets a council tax which is in excess of a nationally prescribed percentage increase.
- 2.10 At present council tax levies from external bodies such as waste disposal authorities, integrated transport authorities, pension authorities and internal drainage boards are excluded.
- 2.11 The Act will amend the council tax referendums provisions, so that levies are included in 'the relevant basic amount of council tax' and therefore in an acting authority's calculation of whether its council tax increase is excessive for the purpose of determining whether it is required to hold a council tax referendum.
- 2.12 Transitional arrangements mean that the Secretary of State will also be able to consider the impact of previous levy increases when setting referendum principles for the financial year 2014-15. The Government explained the rationale for their inclusion as "because these are payments made by the local authority, they do not appear separately on the council tax bill. In some cases the levies paid out can make up over 40% of the council tax bill from the local authority".
- 2.13 This change will make financial planning simpler because the annual Council Tax increase will no longer have to be adjusted to reflect changes in such levies to ensure that the referendum threshold is not breached.

### **Local Authority Publicity**

2.14 Local authorities are required, when producing publicity of any kind, to have regard to the *Code of Recommended Practice on Local Authority Publicity* (the 'Publicity Code'). This code was last revised in March 2011, introducing recommended practice on the frequency, content and appearance of local authority newspapers. This included recommending that principal local authorities limit their publication to once a guarter. The

- new code also includes a new recommendation on not incurring expenditure on external lobbyists and other matters which featured in earlier versions, including on announcements made during the 'purdah' period leading up to an election, the cost effectiveness of any publicity exercises and on objectivity.
- 2.15 The new code's recommendations on council newspapers were the result of a coalition agreement commitment to "impose tougher rules to stop unfair competition by local authority newspapers". The Government has still not been convinced that these have been fully complied with in the sector and subsequently committed themselves to putting compliance with the Code on a statutory basis.
- 2.16 The Act will amend the Local Government Act 1986 to provide the Secretary of State with the power to give directions requiring one or more local authorities to comply with one or more recommendations set out in the Publicity Code.
- 2.17 The council currently complies with this part of the Act as it has not produced a local authority newspaper since 2009/10 and has no plans to reintroduce one.

### **New Transparency Measures**

2.18 The Act provides new transparency measures, so citizens and press now have the right to film and tweet from any local government body meeting. This will not impact upon the council as it already allows the citizens and press to reasonably film and tweet from any local government body meeting. The existing Filming and Recording Protocol (in the Constitution) is, in any event, under review, so the provisions of the Act will be taken into account within any proposed changes.

### 3.0 Progress, options, discussion, etc.

3.1 It is proposed to bring a paper on the suggested procurement route for the external auditor, and the options that could be taken, once further details are known.

### 4.0 Financial implications

- 4.1 There are no direct financial implications arising from the recommendations in this report at this stage.
- 4.2 There may be a change in the level of external audit fees in future as a result of the changes outlined in paragraph 2.4.
- 4.3 The changes outlined in paragraph 2.11 have been reflected in the calculation of the Medium Term Financial Strategy 2014/15 2018/19. (CN/19022014/Q)

### 5.0 Legal implications

5.1 The council needs to comply with the requirements of the Local Audit and Accountability Act as described in this report, and a report will need to go through Standards Committee and Council to reflect any changes that will need to be made to the constitution. (JH/18022014/J)

### 6.0 Equalities implications

6.1 Equality and Diversity implications will be considered in any procurement exercise the council undertakes as a result of the Act.

### 7.0 Environmental implications

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

### 8.0 Human resources implications

8.1 There are no direct human resources implications arising from this report.

### 9.0 Schedule of background papers

9.1 The Local Audit and Accountability Act

Agenda Item No: 10



# Confident Capable Council Scrutiny Panel

6 March 2014

Report title Six month update on Resilience work

programme

Cabinet member with lead

responsibility

Councillor Paul Sweet

Wards affected All

Accountable director Keith Ireland, Delivery

Originating service Resilience Team

Accountable employee(s) Neil Rogerson Resilience Manager

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### Recommendation(s) for action or decision:

The Panel is recommended to review actions taken to date and consider and comment on the Resilience Board's work plan.

### 1.0 Purpose

1.1 To apprise the C3 Scrutiny Panel of developments in the Council's emergency planning and business continuity activities and present the Resilience Board's latest work plan.

### 2.0 Background

2.1 Following the closure of the Resilience Project that was delivered by RAB Consultants between June 2012 to August 2013 a new Resilience Team and governance board has been created and has now set the priorities for improving preparedness within the Council over the next 18 months.

### 3.0 Risk Assessment and Gap Analysis.

- 3.1 Following the appointment of a new Resilience Manager in late Nov 13 the Resilience Team has conducted a formal risk assessment and gap analysis to assess our preparedness and examine 29 of the civil contingencies risks that the Council faces. The analysis looked at the response capabilities that the Council needs to deal with the risks that we face and ranked them in order of frequency of occurrence.
- 3.2 The process resulted in a list of 39 response capabilities and plans that the Council should pursue with the top three being:
  - Generic Emergency Management Structure.
  - Media Liaison / Mass Communications Plan.
  - Business Continuity.
- 3.3 The Council's existing preparations were then analysed to ascertain the current levels of resilience and a number plans, roles, training modules and resources were identified as absent or insufficient.

### 4.0 Aims, Objectives and Activities.

- 4.1 As these deficient capabilities are used to manage the response to most of the risks that the Council face they were selected to form the basis of the Resilience Team's work over the next 18 months and have been used to formulate the following aims;
- 4.1.1 To design and develop a generic emergency response structure that will allow the Council to coordinate the response to a spectrum of risks.
- 4.1.2 To create a communications response arrangement that gives the Council the ability to effectively use all media to warn and inform the public and other stakeholders during an emergency.

- 4.1.3 To improve the Council's ability to maintain delivery of critical services during a disruptive event.
- 4.2 In producing the Resilience Board's work plan each of these aims was then divided into a series of objectives that are required to achieve the aim. These objectives were then also divided into a series of activities that are needed to meet each objective and a number of outputs were described that can be used to measure the productivity of the programme as a whole.
- 4.3 Progress against this work plan is now monitored on a weekly basis by the Resilience Manager, fortnightly by the Assistant Director, Delivery and quarterly by the Resilience Board. In order to provide further information it has been attached as an annex to this report.

### 5.0 Financial implications

5.1 The workplan is being delivered within existing resources. [CH/20022014/B]

### 6.0 Legal implications

6.1 There are no direct legal implications arising from this report. [AS/21022014/V]

### 7.0 Equalities implications

6.1 There are no direct equalities implications arising from this report.

### 8.0 Environmental implications

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

### 9.0 Human resources implications

8.1 There are no direct human resources implications arising from this report.

### 10.0 Schedule of background papers

	%	RAG	
Aim:			Performance measurement:
A. To design and develop a generic emergency management structure that will allow the council to coordinate the response to a spectrum of risks.			<ol> <li>A revised set of plans and handbooks that describe and guide our response.</li> </ol>
Objectives:			<ol><li>An emergency control room that is fit for purpose.</li></ol>
1. To progress the roles, plans and response handbooks required to deliver an effective response.	33	Amber	<ol> <li>A list of staff who are on call to undertake each response role identified in the plan.</li> </ol>
2. To procure and develop the resources required to improve our ability to coordinate the response.	50	Green	<ol> <li>A Wolverhampton City Council training and exercise programme.</li> </ol>
3. To identify appropriate members of staff to undertake the response roles and arrange and maintain a robust rota and call out arrangements.	50	Green	
4. Plan and deliver coordinated programmes for the training of staff and the exercising of plans.	0	Green	

Objectives	Recommended Activities	Responsibility	Deadline	Complete
1. To progress the roles, plans and response handbooks required to deliver an effective response.	a. Revise the existing Major Incident Plans parts 0 and 1 to take account of recent structural changes to the organisation.	Resilience.	01/02/14	
	b. Analyse the plans to identify gaps in response capability (resources and training).	Resilience	01/01/14	
	c. Build on existing action cards to develop handbooks for specific roles that can act as a basis for training and a guide to response.	Resilience	03/03/14	

Objectives	Recommended Activities	Responsibility	Deadline	Complete
2. To procure and develop the resources required to improve our ability to coordinate the response.	a. Analyse the plans to identify gaps in response capability (resources and training).	Resilience	01/01/14	
	b. Write business cases for additional resources required (e.g. non-council phone line for control room, non-council desktop computer for control room, browser based incident management system).	Resilience	03/03/14	
3. To identify appropriate members of staff to undertake the response roles and arrange and maintain a robust rota and call out arrangements.	a. Create a central database of all members of staff identified and trained to undertake the roles required.	Resilience	01/01/14	
	b. Write a policy regarding the conduct and maintenance of the Duty Director and Duty Manager roles submit for consultation before sign off through SEB.	Resilience	01/01/14	

Objectives	Recommended Activities	Responsibility	Deadline	Complete
	c. To begin recruiting volunteer members of staff to undertake the roles that have not yet been filled.	Resilience	01/04/14	
	d. To map competencies for each role and submit to HR for grading before writing a policy regarding payment for hours worked during a response.	Resilience	03/03/14	
4. Plan and deliver coordinated programmes for the training of staff	Perform a training needs analysis for each response role.	Resilience	17/03/14	
and the exercising of plans.	b. Analyse existing training on offer in the council and the Local Resilience Forum area to identify modules that match the competencies required.	Resilience	17/03/14	
	c. Outline new modules that need to be developed to fill the gaps that cannot be covered by existing modules.	Resilience	31/03/14	

Objectives	Recommended Activities	Responsibility	Deadline	Complete
	d. Create a training programme that describes the modules available and explains which ones are to be offered to each role.	Resilience	31/03/14	
	e. Design an annual time table that schedules each module being offered.	Resilience	31/03/14	
	f. Develop the training materials required for each new module and pilot.	Resilience	27/06/14	
	g. Create a series of progressive command post exercises for each response role culminating in a whole system live exercise every three years.	Resilience	22/08/14	

A inco	%	RAG	Douglasses
Aim:			Performance measurement:
B. To create a communications response arrangement that gives the council the ability to effectively use all media to warn and inform the public and other stakeholders during an emergency.			<ol> <li>The ability to publish a short notice holding statement both in and out of hours.</li> </ol>
Objectives			The capability to tailor messages for specific groups and deliver them
To develop a WCC Communications Plan	50	Green	through a multitude of channels.
2. To write risk specific holding statements	0	Green	<ol> <li>Senior managers trained in handling the media and on call to do so out of</li> </ol>
3. To train duty directors in media handling	0	Green	hours.
			4) A plan for establishing a Media RVP and a Multi-Agency Media Centre as required.

Objectives	Recommended Activities	Responsibility	Deadline	Complete
To develop a WCC     Communications Plan	a. Review guidance and other agencies' plans to establish best practice.	Resilience	01/02/14	
	b. Discuss best practice and agree a suitable approach for WCC.	Resilience and Communications	01/02/14	
	c. Develop the plan and identify the resources required.	Resilience/ Resilience Board	07/03/14	
	d. Write response role handbooks and design appropriate training.	Public Health/ Resilience/Communications	21/03/14	
To write risk specific holding statements	a. Analyse the risks and prepare holding statements for target audiences.	Public Health/ Resilience/Communications	04/04/14	
	b. Consider the most appropriate channel to reach those audiences and ensure that the capability exists to use them both in and out of hours.	Public Health/ Resilience/Communications	18/04/14	

	%	RAG	
Aim:			Performance measurement:
C. To improve the council's ability to maintain delivery of critical services during a disruptive event.			A business continuity governance structure with appointed leads and accountable officers.
Objectives:			<ol><li>A list of the council's priority services that has been signed off by Resilience Board.</li></ol>
<ol> <li>To progress and improve the council's existing business continuity programme management.</li> </ol>	50	Green	A suite of plans ranging from the strategic to
To sign off the existing Business Impact Analysis and rank the existing priority services.	66	Green	individual service level.
<ol> <li>To determine the council's business continuity response strategy.</li> </ol>	10	Green	<ol> <li>Appropriate communications and coordination systems to manage disruption and recover services.</li> </ol>
4. To develop a programme for exercising, maintaining and reviewing the council's business continuity arrangements.	0	Green	
			<ol> <li>A Wolverhampton City Council training and exercise programme.</li> </ol>

Objectives	Recommended Activities	Responsibility	Deadline	Complete
To progress and improve the council's existing business continuity programme management.	a. To create a business continuity sub-group to the Resilience Board that coordinates BC planning across the council.	Resilience	16/01/14	
	b. To revise the existing BC Policy to reflect changes to the organisational structure and governance arrangements.	Resilience	First meeting of the subgroup.	
2. To sign off the existing Business Impact Analysis and rank the existing priority services.	a. Extract the very high priority services from each BIA and collate in one list.	Resilience	First meeting of the subgroup.	$\boxtimes$
	b. Arrange the list in priority order as a draft for discussion.	Resilience	First meeting of the subgroup.	
	c. Rearrange at BC Subgroup and submit to Resilience Board for sign off.	Resilience Board	03/04/14	

3.	To determine the council's business continuity response	a.	Draft a strategic business continuity response strategy.	Resilience	25/04/14	
	strategy.	b.	Agree to procure a browser based incident management/logging system	Resilience Board	16/01/14	
		C.	Create a template directorate level BC plan	Resilience	25/04/14	
		d.	Design a department level BC plan.	Resilience	25/04/14	
		e.	Create a template service level BC plan	Resilience	25/04/14	
		f.	Transfer the relevant information from the BIA s into the template service plans.	Resilience	25/04/14	
		g.	Teach service BC leads how to use the new plan and assist them to complete.	Service heads/ Resilience	19/08/14	
		h.	Analyse service level plans and assist ADs to produce departmental level plans.	ADs/ Resilience	29/11/14	

		<ol> <li>Analyse departmental level plans and assist directors to produce directorate level plans.</li> </ol>	Directors/ Resilience	28/03/15	
		j. Review strategic business continuity response strategy.	Resilience Board	28/03/15	
exercising, maintaining and reviewing the council's business		for each response role.	Resilience	17/03/14	
continuity arrangements.	D.	in the council and the Local Resilience Forum area to identify modules that match the competencies required.	Resilience	17/03/14	
	C.	Outline new modules that need to be developed to fill the gaps that cannot be covered by existing modules.	Resilience	31/03/14	
	<u> </u>	exercising, maintaining and reviewing the council's business continuity arrangements. b.	To develop a programme for exercising, maintaining and reviewing the council's business continuity arrangements.  a. Perform a training needs analysis for each response role.  b. Analyse existing training on offer in the council and the Local Resilience Forum area to identify modules that match the competencies required.  c. Outline new modules that need to be developed to fill the gaps that cannot be covered by existing	To develop a programme for exercising, maintaining and reviewing the council's business continuity arrangements.  a. Perform a training needs analysis for each response role.  b. Analyse existing training on offer in the council and the Local Resilience Forum area to identify modules that match the competencies required.  c. Outline new modules that need to be developed to fill the gaps that cannot be covered by existing	plans and assist directors to produce directorate level plans.  j. Review strategic business continuity response strategy.  Resilience Board  28/03/15  To develop a programme for exercising, maintaining and reviewing the council's business continuity arrangements.  b. Analyse existing training on offer in the council and the Local Resilience Forum area to identify modules that match the competencies required.  c. Outline new modules that need to be developed to fill the gaps that cannot be covered by existing

d.	Create a training programme that describes the modules available and explains which ones are to be offered to each role.	Resilience	31/03/14	
e.	Design an annual time table that schedules each module being offered.	Resilience	31/03/14	
f.	Develop the training materials required for each new module and pilot.	Resilience	27/06/14	
g.	Create a series of progressive command post exercises for each response role culminating in a whole system live exercise every three years.	Resilience	22/08/14	