

Committee(s):	Date:
City of London Freeman's School Board of Governors City of London School Board of Governors City of London School for Girls Board of Governors	7 February 2019 11 February 2019 13 March 2019
Subject: Revised Capability Procedure and Probation Procedure	Public
Report of: Chrissie Morgan, Director of Human Resources	For Decision
Report author: Aniki Applewhite -Town Clerk's Department	

Summary

The Managing People Policy in relation to teaching staff was introduced in 2016 which sets out the policy, intent, standards and responsibilities of the various parties whilst seeking to resolve cases through informal measures. The new Disciplinary and Grievance Procedures were introduced at the same time and have been in operation for 1½ years. The Capability Procedure has now been completely reviewed moving it to an approach which focuses on supportive measures to help secure an improvement in the performance of employees. The Probationary Procedure has also been reviewed and updated in line with the Managing People Policy principles

Recommendations

Members are asked to:

- Approve the revised Capability Procedure;
- Approve the revised Probationary Procedure;
- Note the additions to the management levels authorised to take action in the Managing People Policy.

Main Report

Background

1. Following on from the introduction of the Managing People Policy in 2016 which sets out the policy, intent, standards and responsibilities of the various parties; the Disciplinary, Grievance and Sickness Management Procedures were reviewed.
2. The final two managing people procedures which sit beneath the overarching Managing People Policy – capability and probation – have now been revised.

3. The review of the Capability Procedure (appendix 1) and Probation Procedure (appendix 2) align with the HR strategy to streamline and simplify the procedures so that they are easy to follow and strip away information that is more appropriate for guidance and training.

Current Position

4. The revised Capability and Probation Procedures emphasise the importance of early intervention and collaborative action.
5. The Managing People Policy has been well received across the organisation as it has provided clarity on the roles and responsibilities of managers, employees and HR. However, through the review of the Capability Procedure it was identified that managers and employees would benefit from guidance on best practice when managing performance.

Key Changes

6. Capability Procedure
 - This procedure outlines the formal capability management steps. However, the manager must have undertaken and be able to evidence that an informal process has taken place beforehand that allowed the employee the opportunity to improve;
 - Additional detail on how to deal with the impact of ill health or suspected ill health contributing to an employee's capability to carry out the full range of duties of the post;
 - Action Plan has been renamed as Performance Improvement Plan;
 - Detail included on the format of the formal meetings.
7. Probation Procedure
 - The Probation Procedure has been redrafted in line with the general principles of streamlining and simplifying our HR procedures;
 - There is no longer a right for an appeal hearing if an employee is dismissed, instead the employee can request an independent review of the decision.
8. Managing People Policy
 - The management levels authorised to take action have been added to include action taken under the Capability Procedure and Probation Procedure (appendix 3).
 - Following feedback received with regards to the equivalent document in the Employee Handbook the table has been reformatted.
 - It is clarified that the involvement of the Teachers' Disciplinary Committee will, where appropriate, mirror the disciplinary procedure in relation to capability, sickness and grievance.

Implementation and Transitional Arrangements

9. The new Probation Procedure will apply for new starters from 1 September 2019. The current procedure will continue to apply for all new staff who start before 1 September 2019.
10. In relation to the Capability Procedure:
 - Formal cases will at the point of review, move to the appropriate stage of the new procedure;
 - Any cases where a final meeting to consider dismissal is pending will be considered under the current procedure;
 - Any appeals that are currently pending will be heard under the current appeal process.

Corporate & Strategic Implications

11. The review of these two procedures completes the review of the five policies and procedures which sit underneath the overarching Managing People Policy as part of the Corporate HR Business Plan.
12. Colleagues from Town Clerks, Comptrollers and City Solicitors, the 3 City Schools, representatives from the six Staff Networks, the Trade Unions have been consulted on the development of these procedures for support staff. The Heads at the 3 City Schools were also consulted on their development.
13. The Staff Side and Common Rooms have been consulted on these procedures for Teaching Staff. The policies were largely accepted. The main issues raised were around how the procedure / process would work in practice and clarification of wording used. There was a slight concern, steps would be carried out by inexperienced managers and so they wanted more detail within the procedures which doesn't align with the HR strategy of streamlining. They were reminded that these were the minimal levels agreed by the Heads and assured that more senior management, HR, Occupational Health or other appropriate people could provide guidance and support. It was also explained that actions must be proportionate and as each case is different, the documentation should not be prescriptive or overly bureaucratic.
14. An equality test of relevance, for both the Capability Procedure and Probation Procedure was undertaken and identified no relevance to equality as they are both neutral in their approach and appropriate actions and measures will be put in place by managers through the application of the procedures.

Legal Implications

15. These have been considered and incorporated in the report and new revised policy and procedures.

Conclusion

16. The review of the final two Procedures which sit under the overarching Managing People Policy continues the HR approach to streamline, simplify and standardise our policies and procedures with an emphasis on early intervention, and informal and collaborative working with employees to help them meet the required standard of conduct, performance and attendance.
17. The procedures will be reviewed during the first year of implementation and any major matters arising from the review will be reported back in a year's time.

Appendices

- Appendix 1 – Capability Procedure
- Appendix 2 – Probation Policy
- Appendix 3 – Managing People Policy

Background Papers

- Equality Test of Relevance for the Capability Procedure
- Equality Test of Relevance for the Probationary Procedure

Aniki Applewhite
HR Advisor

T: 020 7332 3597
E: aniki.applewhite@cityoflondon.gov.uk