

Committee(s): Establishment Committee	Date: 17 October 2017
Subject: Revised Capability Procedure and Probation Procedure	Public
Report of: Chrissie Morgan, Director of Human Resources	For Decision
Report author: Colette Hawkins, Corporate HR - Town Clerk's Department	

Summary

The Managing People Policy was introduced in 2014 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 and Sickness Management Policy and Procedure were introduced at the same time and have been in operation for 3 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.

Through various discussions, feedback and resolution of cases it has become clear that to complement the Managing People Policy, managers would benefit from a guide to equip them with the skills, knowledge and confidence to help with supervision and resolving performance issues informally and at an early stage.

Recommendations

Members are asked to:

- Approve the revised Capability Procedure;
- Approve the revised Probationary Procedure;
- Note the new Supervision and Performance Management Guide;
- Note the amendments 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 2014 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. This will be supported by revised learning and development interventions for both managers and HR staff to embed a fresh approach to managing people.
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.
6. The new Supervision and Performance Management guide for managers (attached for your information at appendix 3) provides general advice and best practice tips and supplements classroom based training for managers. The aim of this guide is to equip managers with the skills, knowledge and confidence to resolve performance issues informally and at an early stage.

Key Changes

7. 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 to allow 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.
8. 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.
9. Supervision and Performance Management Guide for managers
 - Provides guidance on how to manage an employee's performance to ensure standards are met;

- Advises managers to keep supervision notes of the informal steps taken to manage performance issues;
- Details the steps required when performance becomes a concern.

10. Managing People Policy

- The management levels authorised to take action have been amended to include action taken under the Capability Procedure and Probation Procedure (appendix 4).

Implementation and Transitional Arrangements

11. The new Probation Procedure will apply for new starters from 1 December 2017. The current procedure will continue to apply for all new staff who start before 1 December 2017.

12. 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.

13. The current Appeals Procedure will be amended to reflect the revised Capability and Probation Procedures.

Training

14. In terms of the capability procedure training will be provided to all managers via HR Business Partners and Advisors who will be responsible for managing this process.

15. The classroom course material that covers supervision and capability will be updated in line with the changes to ensure new managers are trained in full. The option of additional online learning interventions will also be explored. New starter information to managers will advise them about the new Probation Procedure and further advice can be sort via HR Business Partners and HR Advisors.

Corporate & Strategic Implications

16. 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.

17. Colleagues from Town Clerks, Comptrollers and City Solicitors, representatives from the six Staff Networks and the Trade Unions have been consulted on the development of these procedures. Chief Officers and managers within the business were also consulted on their development through HR Business Partners.

18. A test of relevance, as required by the Public Sector Equality Duty (PSED), 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

19. These have been considered and incorporated in the report and new revised policy and procedure.

20. The City Corporation's HR policies and procedures do not form part of the terms and conditions of employment. Therefore, in the situation that the trade unions do not agree the revised procedures these changes will still be able to be introduced, however this will be done with reasonable notice.

Conclusion

21. 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.

22. The introduction of the supervision and performance management guide will equip managers with the tools and techniques to address performance issues at an early stage, with the aim that these will not then progress to formal performance management processes. In turn this will free up the manager's time to deliver the high quality service provision expected of them.

23. 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 – Supervision and Performance Management of Employees Guide
- Appendix 4 – Managing People Policy

Background Papers

- Public Sector Equality Duty Test of Relevance for the Capability Procedure
- Public Sector Equality Duty Test of Relevance for the Probationary Procedure

Colette Hawkins

Strategic HR Projects Manager

Town Clerks Department

T: 020 7332 1553

E: colette.hawkins@cityoflondon.gov.uk