



## Employment and Appointments Committee

<b>Date:</b>	<b>Monday, 23 April 2012</b>
<b>Time:</b>	<b>6.00 pm</b>
<b>Venue:</b>	<b>Committee Room 3 - Wallasey Town Hall</b>

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### AGENDA

**1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members are asked to consider whether they have personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they are.

**2. COMPROMISE CONTRACTS (Pages 1 - 6)**

**3. PERFORMANCE APPRAISAL (Pages 7 - 38)**

**4. DEPARTMENT OF REGENERATION, HOUSING AND PLANNING:  
SENIOR MANAGEMENT STRUCTURE**

Report to follow

**5. DEPARTMENT OF ADULT SOCIAL SERVICES: SENIOR  
MANAGEMENT STRUCTURE**

Report to follow

**6. ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR**

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## WIRRAL COUNCIL

### THE EMPLOYMENT AND APPOINTMENTS COMMITTEE

23 APRIL 2012

<b>SUBJECT:</b>	<b>COMPROMISE CONTRACTS</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW HR AND ASSET MANAGEMENT</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>CLLR TOM HARNEY</b>
<b>KEY DECISION?</b> <i>(Defined in paragraph 13.3 of Article 13 'Decision Making' in the Council's Constitution.)</i>	<b>YES</b>

#### 1. EXECUTIVE SUMMARY

1.1 The purpose of this report is for The Employment and Appointments Committee to consider appropriate arrangements for the authorisation of compromise contracts which include a payment or financial incentive over £50,000 for any proposed termination of employment of officers above SCP49.

#### 2. BACKGROUND AND KEY ISSUES

- 2.1. On 13 February 2012 Council passed a motion that that all future “compromise deals”, that include an element of financial or other incentive are subject to a full democratically accountable process. Council asked that The Employment and Appointments Committee are tasked with forming a Sub-Committee to assess and sign off any compromise deals before any such offer is made to employees, and the process and scope of reporting to be agreed by this Sub-Committee. Members for this Sub-Committee are to be co-opted from the list of Members available for the Appeals Sub-Committee with a proportionality of 1:1:1. The Chair for any such meeting can be decided by the agreement of the Sub-Committee.
- 2.2. Council also asked that all such “compromise deals”, once agreed by the Sub-Committee, are reported to the next meeting of The Employment and Appointments Committee, under exempt items if the details are of a sensitive nature.
- 2.3. Cabinet, on 29 March 2012 resolved that:
- (1) A process be adopted whereby any proposed termination of employment of officers above SCP49 be via compromise contract, which includes a payment or financial incentive as part of the termination arrangement, or where a payment or financial incentive as part of the termination arrangement is over £50k.

- (2) A report be presented to The Employment and Appointments Committee to agree appropriate arrangements for authorisation which will allow such decisions to be taken in a timely manner.
- 2.4. The previous arrangements under the Scheme of Delegation of Functions to Officers, (Part 3, Schedule 4, Page 111. Para 28), continues to allow Chief Officers to appoint, dismiss or transfer staff, or take any other action with regard to the employment of staff in accordance with the Employment Procedure rules. This includes authorisation to settle claims or potential claims against the Council at Employment Tribunal where it is in the interests of the Council to do so and which may involve use of a compromise contract (or COT3). The Head of Legal Services has delegated powers to settle legal proceedings against the council (Para (40), Page 118).
- 2.5. A Compromise Contract (or agreement) is a statutory device authorised under s203 of The Employment Rights Act (1996) and Section 147 of The Equality Act 2010. It is one of only two mechanisms by which an employee can waive his/her statutory employment related claims. The other requires the involvement of ACAS using a COT 3 form (see Para 4.5).
- 2.6. The object of a compromise contract is to settle some or all of the claims rising out of the employment relationship or its termination.
- 2.7. It is a mutually agreed document and usually provides for a payment by the employer, in return for which the employee agrees not to pursue any claim they may have to an employment tribunal.
- 2.8. The most commonly included clauses within a compromise contract usually fall under the following headings:
- Definition of terms
  - Termination of employment
  - Accrued salary and benefits
  - Confidentiality
  - Return/retention of company property
  - Restrictive covenants
  - Legal fees
  - Full and final settlement
- 2.9. A compromise contract is valid only if its satisfies the following conditions;
- It is in writing.
  - It relates to 'particular complaints' or 'particular proceedings'.
  - The employee has received advice on the terms and effect of the contract from a relevant independent adviser (usually a solicitor), who is identified in the contract.
  - There is a contract of insurance covering the risk of the employee bringing a claim against the adviser in respect of their advice.
  - The contract states that the conditions regulating compromise contracts under the relevant legislation are satisfied.
- 2.10. A compromise contract ensures that any specified employment related claims are settled. Any complaints outside of employment such as Whistleblowing concerns

are not covered by such an agreement, unless the employee claims that he/she has been victimised because she/she raised such concerns and is willing to settle his/her claim, whilst raising concerns with the appropriate authority.

- 2.11. Compromise contracts are not the only instance where an employee can waive their statutory employment rights. There is also an ACAS conciliated settlement otherwise known as a "COT3". This contract is valid and binding in the same way as a compromise agreement.
- 2.12. A COT3 contract is used where employment tribunal proceedings have commenced or are likely to commence and an ACAS conciliator is involved in helping parties involved reach a settlement. A COT3 contract does not necessarily include the provision that an employee's employment is to be terminated. It may relate simply to settlement of an employment claim in exchange for a financial sum.
- 2.13. A discussion with an employee about the compromise contract should be on a 'without prejudice' basis with a view to reaching a settlement. The understanding is that such discussions cannot be relied on in a later court or employment tribunal claim. This is because such discussions are 'privileged' so can't be used in a court or tribunal or even referred to. The privilege is given to such discussions by the courts so as to allow parties to negotiate openly without fearing that the discussions will be used against them if the negotiations fail.
- 2.14. For the "without prejudice" rule to apply there must be a dispute between the parties and the written or oral communications and the purpose of the without prejudice discussion must be a genuine attempt to compromise it.

### **3. THE COUNCIL'S USE OF COMPROMISE CONTRACTS**

- 3.1. The Council enters into compromise contracts in the following circumstances.
  - a) Settlement of claims that have been lodged with an Employment Tribunal. This includes multi-equal pay claims, unfair dismissal and discrimination claims. It also includes potential claims not yet lodged.**
- 3.2. In these circumstances, claims may be settled at any stage of the process right up to the day that proceedings are due to commence. This process often involves ACAS.
- 3.3. In determining whether to settle claims, the Council's Legal and HR representatives, with counsel advice as appropriate, would consider the merits of the employee's claim, the financial and reputation risks to the council of defending and/or losing the case and whether settling a case for a smaller sum before other side potentially wins a case (if that is a risk), is in the economic interests of the council.
- 3.4. The employment tribunal process also now includes a Judicial Mediation scheme. Judicial Mediation involves bringing the parties together for a Mediation Case Management Discussion before a trained Employment Judge who remains neutral

and tries to assist the parties in resolving their disputes. Over 65% of cases mediated reach a successful settlement on the day of mediation.

- 3.5. The judicial mediation process requires that representatives for both parties have appropriate 'authority' to make decisions in relation to any potential proposals reached on the day in settlement of the claims. This could include termination of employment if that is presented and agreed.

**b) To bring an employment relationship to an end through mutual agreement.**

- 3.6. The Council has entered into a small number of compromise contracts with employees where it has been considered to be in the interests of the Council and the employee for their employment to be terminated.
- 3.7. The Council has also used compromise contracts for all leavers under VS/EVR over the past couple of years. This mitigated any risks to the organisation arising from the VS/EVR process. A simplified version of the standard compromise contract was used, This did not include any provisions in relation to confidentiality.

#### **4. PROCESS FOR AUTHORISING COMPROMISE CONTRACTS**

- 4.1. On 13 February 2012, Council passed the following motion:
  - That The Employment and Appointments Committee are tasked with forming a Sub-Committee to assess and sign off any compromise deals before any such offer is made to employees; and
  - That Members for this Sub-Committee are to be co-opted from the list of Members available for the Appeals Sub-Committee with a proportionality of 1:1:1. The Chair for any such meeting can be decided by the agreement of the Sub-Committee.
- 4.2. It is therefore proposed that The Head of Legal Services (or their representative), in conjunction with The Head of Human Resources and Organisational Development (or their representative), puts forward an appropriate payment or financial incentive in respect of the termination of employment for officers over SCP49, with appropriate justification, to a Sub-Committee of The Employment and Appointments Committee.
- 4.3. A Sub-Committee with a proportionality of 1:1:1 will be co-opted from the list of Members available for the Appeals Sub-Committee by Committee Services, who will call a meeting of the Sub-Committee, giving five clear days notice, or sooner by agreement of all parties.

#### **5. RELEVANT RISKS**

- 5.1. There are potential financial risks to the Council if the Council does not have a workable arrangement to allow decisions to be made quickly to offer or agree to settle claims and, by doing so enter into compromise contracts in response to Employment Tribunal proceedings.

## **6. OTHER OPTIONS CONSIDERED**

- 6.1. The proposal for the authorisation of compromise contracts over £50,000 for officers over SCP49 is considered the most appropriate to ensure that payments or financial incentives are assessed by a Sub-Committee of The Employment and Appointments Committee before being offered, and that decision are taken in a timely manner.

## **7. CONSULTATION**

- 7.1. No consultation undertaken.

## **8. IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 8.1. No implications

## **9. RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

- 9.1. No implications

## **10. LEGAL IMPLICATIONS**

- 10.1. Legal implications are set out within main body of the report.

## **11. EQUALITIES IMPLICATIONS**

- 11.1. Has the potential impact of your proposal(s) been reviewed with regard to equality?
- (b) No because there is no relevance to equality.

## **12. CARBON REDUCTION IMPLICATIONS**

- 12.1. No implications

## **13. PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

- 13.1. No implications

## **14. RECOMMENDATION/S**

It is recommended that The Employment and Appointments Committee agree to:

- 14.1. The Head of Legal Services, in conjunction with The Head of Human Resources and Organisational Development, puts forward an appropriate payment or financial incentive in respect of the termination of employment for officers over SCP49, with appropriate justification, to a Sub-Committee of The Employment and Appointments Committee.
- 14.2. A Sub-Committee with a proportionality of 1:1:1, to be co-opted from the list of Members available for the Appeals Sub-Committee by Committee Services, who

will call a meeting of the Sub-Committee, giving five clear days notice, or sooner by agreement of all parties.

## **15. REASON/S FOR RECOMMENDATIONS**

15.1. To ensure that payments or financial incentives over £50,000 for officers over SCP49 are assessed by a Sub-Committee of The Employment and Appointments Committee before being offered, and that decision are taken in a timely manner

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## **APPENDICES**

None

## **REFERENCE MATERIAL**

There is no reference material.

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Council</b>	<b>13 February 2012</b>
<b>Cabinet</b>	<b>29 March 2012</b>



## WIRRAL COUNCIL

### THE EMPLOYMENT AND APPOINTMENTS COMMITTEE

23 APRIL 2012

<b>SUBJECT:</b>	<b>PERFORMANCE APPRAISAL FRAMEWORK</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW, HR AND ASSET MANAGEMENT</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>COUNCILLOR TOM HARNEY</b>
<b>KEY DECISION?</b> <i>(Defined in paragraph 13.3 of Article 13 'Decision Making' in the Council's Constitution.)</i>	<b>YES</b>

#### 1. EXECUTIVE SUMMARY

- 1.1. The purpose of the report is for The Employment and Appointments Committee to consider the proposed performance appraisal framework, and the development of organisational values by a cross party working group as recommended at Cabinet on 29 March 2012, and The Improvement Board on 30 March 2012.

#### 2. RECOMMENDATION/S

- 2.1. It is recommended that The Employment and Appointments Committee agree to:
- i) The proposed performance appraisal framework and supporting documentation.
  - ii) The proposed approach to the development of Wirral Values and Behaviours.
  - iii) The proposed Leadership and Management Expectations Framework.
  - iv) The proposed roll out and training plan for performance Appraisal to be implemented at Chief Executive, Chief Officer, and Senior Manager levels in the first instance.

#### 3. REASON/S FOR RECOMMENDATION/S

- 3.1. The Council's current Key Issues Exchange (KIE) process has been in place since 2001. While the KIE process has delivered well in the past, recent returns rates indicate that a refreshed and updated approach is needed. The proposed performance appraisal framework will support a performance management culture and contribute to the Council's objectives by ensuring a well led, skilled, committed and flexible workforce working on behalf of Wirral residents.

## **4. BACKGROUND AND KEY ISSUES**

### **4.1. Performance Improvement Framework**

The Performance Improvement Framework (attached at Appendix One illustrates how the Council's vision and purpose, detailed in The Corporate Plan, are delivered through the Corporate Business Planning process and cascade through to Individuals,

The delivery of the Council's vision and purpose is supported by the Council's expectations of its workforce in relation to Leadership and Management (see section 6.1), and Wirral's Values and Behaviours (once developed). The individual performance of all employees is assessed as part of the proposed performance appraisal process which includes a personal development plan, and 360 degree feedback for senior managers. Interventions to improve performance can be accessed through the Council's Skills for Wirral: Managers, and Skills for Wirral: Employees programmes.

The outputs are the delivery of the Council's corporate and departmental objectives, as well as delivery of the individual employee's objectives. The outcome is that the Council's vision and purpose are delivered for the community of Wirral.

### **4.2. Principles for Proposed Performance Appraisal Framework**

#### **4.2.1. Purpose of performance appraisal**

Performance appraisal is an important part of the performance management process. The purpose of performance appraisal is to:

- Improve the performance of the workforce.
- Clarify expectations of employees.
- Ensure that Council employees are supported at a time of rapid organisational change.
- Align performance outputs and outcomes to the objectives of the organisation.
- Recognise and celebrate the achievement of our employees.
- Develop employees to improve performance through learning and feedback.

#### **4.2.2. The aims of the performance appraisal process are:**

- To ensure that all employees are aware of and fully understand the organisation's purpose and goals and what is expected of them.
- To ensure that all employees are aware of and fully understand their role, and the contribution they make to the Council's goals and targets.
- To ensure that all employees are engaged with and committed to delivering excellent services for Wirral.

- To increase the capability and performance of the workforce.
- To create an organisational culture and environment that encourages and promotes excellent performance and performance management.
- To provide a framework to enable discussions about performance and future expectations.
- To identify, analyse and meet the learning and development needs of individuals to empower and improve the performance of the workforce.
- To recognise and celebrate the progress and achievements of individuals and the workforce.

#### **4.2.3. Output of the performance appraisal**

1. A set of agreed, measurable objectives for the individual that link to the team, service and Council's objectives.
2. An agreed development plan that identifies the support requirements for the individual to deliver the objectives, including the skills and behaviour requirements.

### **4.3. Delivery of The Performance Appraisal Framework**

The performance appraisal process will be delivered by managers. The process will continue to be a two way process with input and feedback from the employee being an important element of objective setting and the identification of development needs. Managers will be supported by a comprehensive training programme (see 8.1).

#### **4.3.1. The Leadership and Management Expectations Framework**

The Leadership and Management Expectations Framework sets out the expectations for all managers. The Framework identifies the key components of a manager's role, and is aligned to the Performance Management Reporting. It is proposed that all of the components will be assessed as part of a manager's performance appraisal.

The proposed Leadership and Management Expectations Framework will form the basis of a modular programme of development for managers. Further work will be undertaken to review the expectations as we go through the process.

#### **4.3.2 Employee Expectations**

As part of the culture development plan it is proposed that we look at how employee expectations can be articulated and how they relate to the values and behaviours. This work does not need to be completed before the Appraisal process for senior managers begins.

### **4.3.3 Monitoring the performance and development review**

It is proposed that performance appraisals are overseen by the senior manager at each level. The performance appraisal form (attached at Appendix Three) includes a requirement for all performance appraisals to be signed off by the manager's manager (The Grandparent approach). This approach will provide quality assurance for the process and will in turn form part of the performance appraisal for all managers so that every manager is accountable for the performance appraisal of their team.

The Senior Managers will:

- 1) Monitor that all Performance Appraisals have been done and report to Chief Officers.
- 2) Carry out standardisation checks of scoring across their management team.
- 3) Support Managers / employees in the event of a disagreement on an allocated score.

## **4.4. Wirral Values and Behaviours**

### **4.4.1. Current Competencies / Behaviours**

The Council's current KIE process has identified corporate and leadership behaviours, which have been in place since 2001.

### **4.4.2. New Values and Behaviours**

It has been recommended by Cabinet on 29 March 2012, and The Improvement Board on 30 March 2012, that new organisational values and behaviours are established as part of the culture development programme. A cross party working group is to be established with the task of creating a set of organisational values that are enduring upon which performance appraisal can be based and the organisational culture be embedded.

The purpose of the values and behaviours is to define not just what we do but how we do it. This is an important part of developing the culture of the Organisation. Individuals within an organisation should feel a connection to the values and recognise that their own behaviour, and that of their managers and their leaders, affects the way the council goes about its everyday business.

## **4.5. Feedback on performance**

It is part of the managers' role to assess an employee's performance against their agreed work objectives and to provide feedback to the employee so that employees will be able to understand and learn from the feedback, thereby improving in the future.

It is proposed that the new performance appraisal takes into account 360 degree feedback. This approach involves all senior managers undertaking the new performance appraisal, (top four tiers including Chief Executive) being assessed by their manager, their peers, their team and if appropriate, partners. The assessment is carried out on line, anonymously, and the consolidated feedback shared with the manager in question. Managers are assessed against a set of values and behaviours. As we are currently developing our new organisational values and behaviours we can access the 360 degree

feedback using a generic set of Leadership behaviours available from the North West Employers Organisation and used in many other Local Authorities across the North West. This would allow Performance Appraisal to commence for Directors, Heads of Service and Senior Managers.

#### **4.6. Assessment of performance**

Once in the process of carrying out the performance appraisal itself it is proposed that the following scoring system is used to assess an employee's performance against both their personal work based objectives and the organisational values and behaviours:

- 1 = not achieved
- 2 = partly achieved
- 3 = fully achieved
- 4 = exceeded

For this assessment of performance to be effective, it is important that managers make it clear to employees what is expected in order for them to achieve a score of 4, what is expected to achieve a score of 3, and what a score of 2 and 1 would look like for each objective.

The proposed performance appraisal process will ensure that regular discussion on performance against objectives takes place through regular one to one meetings and the formal six monthly review meeting. Progress in relation to scoring will form part of these discussions.

Managers will support employees who are not meeting their objectives to the required standards to improve. This will include the identification of appropriate learning and development. Where performance consistently falls below the required expectations, this will be dealt with under the Council's capability process.

#### **4.7. Timing of Performance Appraisal**

The timing of the new performance appraisal process will align with the Corporate Planning process when introduced and will be embedded as follows:

<b>Process</b>	<b>Date</b>
Corporate Plan	March
Departmental Plan	April
Service/Team Plan	April/May
Individual Performance Appraisal	May - September

## **4.8. Links to Current Process of Performance Management**

### **4.8.1. Current supervision process**

In the Department of Adult Social Services and The Department of Children's Services, the practice of "Supervision" is already embedded as a crucial aspect of our safeguarding responsibilities. Supervision meetings are a regular meeting between the supervisor and the employee to review caseloads and practice. This process is an essential part of the quality assurance of working with both vulnerable children and adults. It is proposed that the practice of supervision is mirrored across the Council with regular one to one meetings between a manager and an employee taking place on a monthly basis. These one to ones will underpin and link to the performance appraisal process.

## **4.9. Link to HR policies**

### **4.9.1. Manager's Performance Appraisal**

It is the responsibility of the manager to deliver performance appraisals, six monthly reviews, and regular one to one meetings for all the employees whom they manage. It is proposed that managers are held accountable for completing performance appraisals by making this a formal component of a manager's own performance evaluation.

### **4.9.2. Link to the capability procedure**

- The performance appraisal process will introduce a requirement for all employees to participate in their performance appraisal and to facilitate their own personal development as a part of this.
- The proposed performance appraisal process will ensure that regular discussion on performance against objectives takes place through one to one meetings and the formal six monthly review meeting. Employees who are not meeting their objectives to the required standards will be supported and encouraged to improve. This will include the identification of appropriate learning and development. Where performance consistently falls below the required expectations, this will be dealt with under the Council's capability process.

## **4.10. The Performance Appraisal Process**

### **4.10.1. Year one objective setting**

1. The manager and employee will reflect and discuss the employee's performance over the last 12 months, making reference to any agreed objectives. The discussion will include feedback on what went well, and what can be improved.
2. Objectives will be set for the forthcoming year with input and agreement from the employee. Objectives will be SMART: Specific, Measurable, Achievable, Relevant, Timebound, linking to performance outcomes, with the required outputs clearly identified and understood by the employee. The objectives will cascade from the Corporate Plan, Departmental Plan and Service Plan. The objectives will incorporate the new values and behaviours and provide information on how the tasks/activities should be delivered.

#### **4.10.2. The Personal Development Plan**

The performance appraisal discussion will include identification of learning and development requirements that will support the employee to meet the agreed performance objectives. These requirements will form the basis of a development plan for the employee. This will then feed upwards into the Corporate Learning and Development Programme and will inform the kind of courses and learning opportunities offered in the future.

#### **4.10.3. Six month review**

Six months after the first Performance Appraisal the manager and the employee will have a formal review to discuss the employee's performance and progress on performance and their agreed objectives. This will include recognition for success and the identification of any further support required.

#### **4.10.4. Performance appraisal interview – end of year one**

1. At the end of year one, the manager and employee will reflect on the employee's performance over the last 12 months against the agreed objectives. This will include the Manager evaluating the employee's performance with a score (see section 4.8), and providing feedback on performance.
2. For managers the discussion will include 360 degree feedback against the appropriate behaviours.
3. The performance appraisal will include recognition and celebration of success, and discussion on further support and learning and development required. The reflection on learning and development for the next 12 months will feed into the employee's development plan.

#### **4.10.5. Repeat cycle**

The performance appraisal cycle will be repeated on an annual basis, with formal six month reviews, and monthly one to one meetings.

### **4.11. Introducing the performance appraisal**

#### **4.11.1. Training**

To ensure that the proposed performance appraisal process is successful and has support at all levels across the organisation, the following training modules are proposed:

##### **Module 1 - Values and Behaviours**

- Organisational values and behaviours
- Applying values
- Applying behaviours

- Embedding values and behaviours

**Module 2 - Leadership and Expectations:**

- Embedding excellence in management practice
- Framework for leadership in the workplace
- Key leadership behaviours
- Applying leadership expectations

**Module 3 - Performance Management**

- Key principles of performance management
- Key principles of performance appraisals
- Delivering performance appraisals
  - Providing feedback
  - Setting objectives
  - Evaluating objectives
  - Individual learning and development plans
- Embedding a learning culture

The training programme will underpinned by a Performance Appraisal “portal” or space on “E-nable” our E-learning site, and will also be supported by a “Quick Guide Leaflet” (attached at Appendix Four) and “Frequently Asked Questions” (attached at Appendix Five).

**4.11.2. The “Roll Out” Plan**

<b>Rolling out Performance Appraisal</b>				
	<b>Performance Appraisal delivered for:</b>	<b>Training for the Appraiser</b>	<b>Briefing for the Appraise</b>	<b>Delivery of Performance Appraisal (PA)</b>
<b>Stage One</b>	Chief Executive	Members trained to deliver June 2012	Chief Executive briefed to receive July 2012	July 2012
<b>Stage Two</b>	Chief Officers	Chief Executive trained to deliver August 2012	Chief Officers briefed to receive August 2012	September 2012
<b>Stage Three</b>	Heads of Service	Chief Officers trained to deliver September 2012	Heads of Service briefed to receive October 2012	October - November 2012
<b>Stage Four</b>	Senior Managers	HOS trained to deliver November - December 2012	Managers trained to receive December to January 2013	December - February 2013



#### **4.14 Monitoring and Quality Assurance**

Over time it will be possible to use the HR system to monitor the appraisal process in terms of participation and completion. This will be done partially through the senior manager sign off process, but also by the production of reports across the whole organisation. This will mean more effective management of performance appraisal and its application as well as a means of checking the alignment of objectives and overall quality assurance.

Until such a time, a system will be put in place where the completion of Performance Appraisal is communicated by the appraising manager to the Organisational Development Team.

#### **4.15 Embedding Excellence in Performance Management**

##### **4.15.1 Delivered by managers**

- **One to one meetings**

Throughout the year, the manager and employee will have regular one to one meetings on a regular basis. The purpose of the one to one meetings will be to review and discuss progress on performance objectives, and will focus on performance achievements and challenges with appropriate support identified.

- **Team meetings**

Regular team meetings will take place between all managers and employees throughout the year. The purpose of these meeting is to discuss organisational, departmental and team information and provide an opportunity for employees to give feedback and ask questions.

- **Senior manager meetings**

All departments hold regular senior manager meetings to discuss and make decisions on important departmental issues. Information will be cascaded through the team meeting process as appropriate.

#### **4.16 Internal Communication Strategy**

The Council uses a variety of channels to communicate with its employees. These include:

- One Brief
- One Council
- Intranet communications
- Email Broadcasts
- Senior Manager Briefings
- Heads of Service Away Days
- Chief Executive communications

Performance Management and in particular the Performance Appraisal approach will be communicated out using a variety of channels.

## **5 RELEVANT RISKS**

5.1 There are no significant risks from this report.

## **6 OTHER OPTIONS CONSIDERED**

6.1 The most appropriate options to introduce and embed a new performance appraisal process have been considered.

## **7 CONSULTATION**

7.1 The proposed performance appraisal process has been discussed with the Trade Unions through the formal, Corporate Joint Consultative Committee (JCC) meetings and at specific meetings to discuss the Council's approach to performance appraisal. The Trade Unions understand the purpose of performance management. However, they are clear that they do not expect the performance appraisal framework to be rolled out beyond senior managers without a review of learning and specific work around application.

## **8 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

8.1 None arising from this report.

## **9 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

9.1 The roll out and training plan will be implemented by the Human Resources and Organisational Development Team and will require managers and employees time to attend. It is proposed that the performance appraisal framework is rolled out on a phased basis, starting with Chief Officers.

## **10 LEGAL IMPLICATIONS**

10.1 The Council will ensure that all relevant employment legislation is complied with throughout the performance management process.

## **11 EQUALITIES IMPLICATIONS**

11.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

(a) Yes and impact review is attached

<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010/law-hr-asset-management>

## **12 CARBON REDUCTION IMPLICATIONS**

12.1 There are no carbon reduction implications arising from this report.

## **13 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

13.1 There are no planning and community safety implications arising from this report.

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## **APPENDICES**

Appendix One: Performance Improvement Framework  
Appendix Two: Leadership and Management Expectations  
Appendix Three: Performance Appraisal Form  
Appendix Four: Quick Guide Leaflet  
Appendix Five: Frequently Asked Questions

## **REFERENCE MATERIAL**

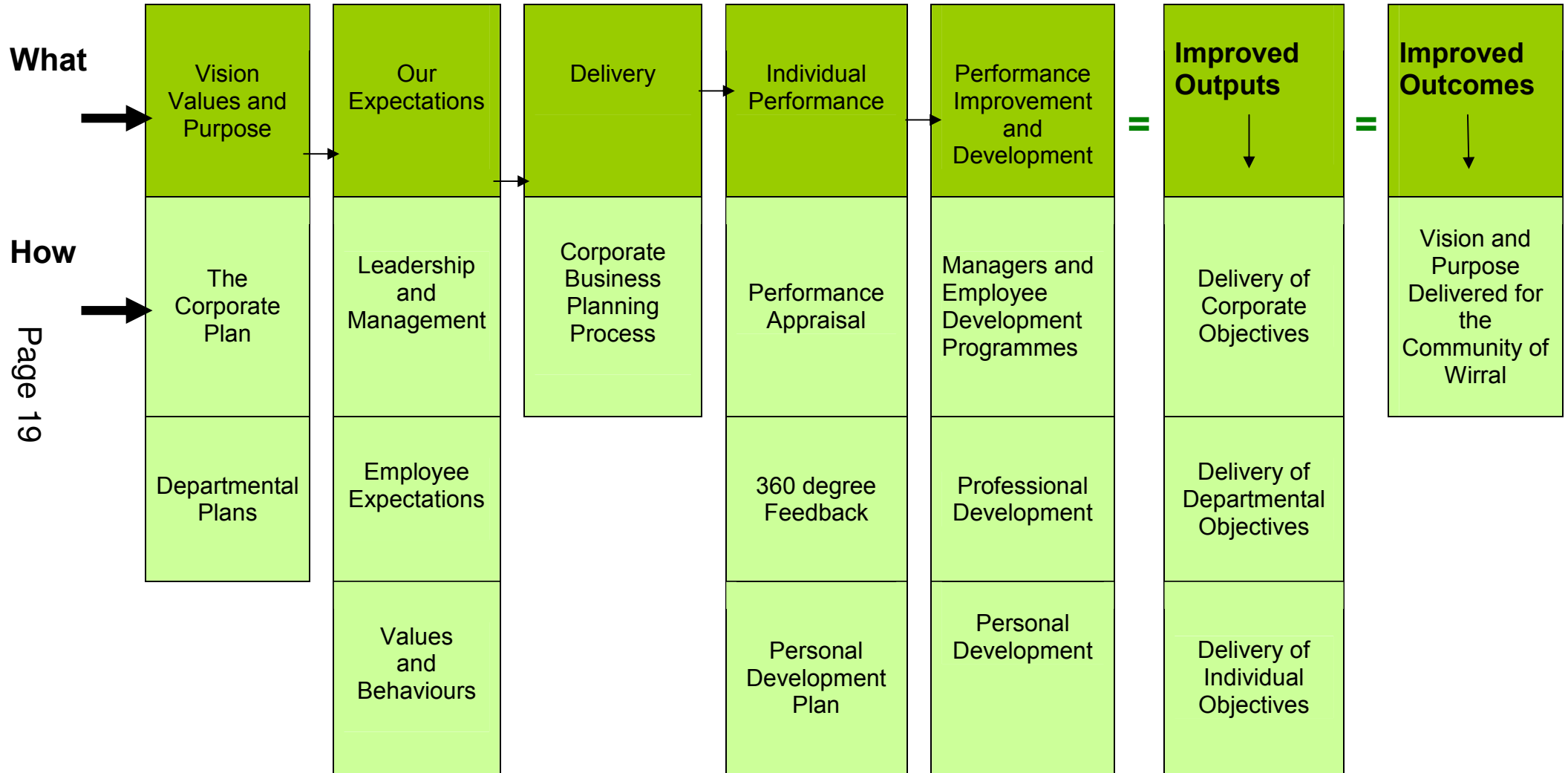
There is no reference material for this report.

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
Cabinet	29 March 2012
Cabinet	22 September 2011

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**Performance Improvement Framework**



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## Leadership and Management: Our Expectations

**Managers at Wirral Council are expected to do the following to maximise performance, to deliver outcomes for the people and communities of Wirral-:**

<p><b>Communication</b></p> <ul style="list-style-type: none"> <li>• Conduct regular effective one-to-ones, team briefs and meetings</li> <li>• Articulate clearly to colleagues</li> <li>• Communicate key messages and encourage feedback</li> <li>• Build networks internally &amp; externally</li> </ul>	<p><b>Change &amp; Service Development</b></p> <ul style="list-style-type: none"> <li>• Drive &amp; champion change</li> <li>• Plan &amp; improve service delivery</li> <li>• Consult with users and others providers to inform service provision</li> </ul>	<p><b>Safety &amp; Health at Work</b></p> <ul style="list-style-type: none"> <li>• Promote employee health &amp; well being</li> <li>• Meet statutory legislative requirements</li> <li>• Conduct risk assessments</li> <li>• Manage health &amp; safety risks appropriately</li> </ul>
<p><b>Performance Management</b></p> <ul style="list-style-type: none"> <li>• Translate the Council's goals and priorities into service/team/individual objectives</li> <li>• Achieve realistic performance targets and standards within agreed resources</li> <li>• Deliver improved service delivery through learning and innovation</li> </ul>	<p><b>Equality &amp; Diversity</b></p> <ul style="list-style-type: none"> <li>• Manage behaviours</li> <li>• Conduct Equality Impact Assessments</li> <li>• Undertake responsibilities under The Equality Duty &amp; Dignity/Respect Agenda</li> </ul>	<p><b>People and Culture</b></p> <ul style="list-style-type: none"> <li>• Provide leadership</li> <li>• Motivate &amp; develop your team effectively</li> <li>• Deliver performance appraisals</li> <li>• Manage attendance effectively</li> <li>• Deliver within the employee HR framework</li> </ul>
<p><b>Financial Management</b></p> <ul style="list-style-type: none"> <li>• Manage service delivery within approved budgets &amp; resources</li> <li>• Improve management of assets</li> <li>• Identify &amp; implement improvements to value for money</li> </ul>	<p><b>Corporate Governance</b></p> <ul style="list-style-type: none"> <li>• Focus on community requirement</li> <li>• Deliver services in an effective and efficient manner</li> <li>• Manage risk</li> <li>• Deliver excellent standards &amp; codes of conduct</li> <li>• Provide and adhere to transparent structure &amp; process</li> </ul>	<p><b>Risk Management</b></p> <ul style="list-style-type: none"> <li>• Deliver the Council's risk framework &amp; processes</li> <li>• Assess, monitor and escalate risks &amp; issues</li> <li>• Identify &amp; advise on new risks arising from new objectives/activities</li> <li>• Deliver the Council's emergency planning process</li> </ul>

**Underpinned by Wirral's Values and Behaviours, which run through all that we do.**

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## Performance Appraisal and Development

### About you

Name	Department
Employee No	Last Appraisal
Role	Appraisal Date
	Planned Review Date

# Section 1: Looking back

## Reviewing your objectives

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What did you achieve?

Which Wirral Values did you demonstrate to achieve your objectives effectively?

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	Last year's work objectives	Results achieved			Score
		What did you achieve?	What was the outcome?	Which Wirral Values did you demonstrate?	
1					
2					
3					
4					
5					
6					

What did you achieve against Our Leadership and Management Expectations, and Our Values and Behaviours?

		Results achieved		Score
		What do you do well?	What do you need to improve?	
1	Our Leadership and Management Expectations			
2	Our Values and Behaviours			

### Scoring criteria

Each objective should be measured against the following scoring criteria:

Score	Description
N/A	<b>Not Applicable</b> - unable to achieve due to other factors.
1	<b>Not Achieved</b> - has not achieved the required performance.
2	<b>Partially Achieved</b> – has partially achieved the required performance.
3	<b>Achieved</b> – has achieved the required performance.

4	<b>Exceeded</b> – has achieved and exceeded the required performance.
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## Our conclusions and next steps

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What conclusions can we make from this year's performance?

What actions do we need to take as a result?

If objectives were not achieved, what lessons can we learn?

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## Section 2: Where are you now?

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What has changed/is changing in your work environment?

What does this mean for you?

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## Section 3: Looking forward

### Section 3.1: Setting your objectives

In discussion with your Manager, consider what needs to be achieved and how will you go about it?

What objectives do you need to deliver to do your job and contribute to the delivery of the Departmental Plan?

	SMART Objectives: work (Specific, Measurable, Achievable, Relevant & Time bound)	What will the outcome be?	Which Wirral Values & Behaviours are important to achieve these objectives?
1			
2			
3			

4			
5			
6			

**Objectives should include job specific competencies and/or relevant professional standards where applicable.**

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In discussion with your Manager, consider what needs to be achieved in relation to Our Leadership and Management Expectations and Our Values and Behaviours

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	SMART Objectives (Specific, Measurable, Achievable, Relevant & Time bound)	What will the outcome be?
1.	Our Leadership and Management Expectations	
2.	Our Values and Behaviours	

## Section 4: Personal Development

## Section 4.1: Reviewing Your Personal Development Plan

What learning and development have you undertaken?  
 How did this learning help you meet your objectives?  
 How have you addressed your 360 degree feedback? (if applicable)

## Section 4.2: This Year's Personal Development Plan

What learning and development do you need to achieve your objectives and support you ongoing development?  
 What priorities for development from the 360 degree feedback you received, need to be incorporated? (if applicable)

Learning and Development from the Corporate Programme (e.g. workshops, courses etc)

What	How	By When	Progress

Please copy any Learning and Development requests identified in the box above, on to training application forms and ask your manager to approve and email them to

[trainingapplications@wirral.gov.uk](mailto:trainingapplications@wirral.gov.uk), or post the form to the Organisational Development Team, Wallasey Town Hall, South Annexe.

Learning and Development in the workplace (informal approaches e.g. shadowing, mentoring, job swaps)

What learning and development can your manager commit to now?

What	How	By When	Progress

## Section 5: Comments

Are there any additional comments?

### Our Checklist

	<input checked="" type="checkbox"/>
CRB	
Conflict of Interest	
Gifts and Hospitality	
Qualifications	
Driving licence	
Skills for Life (literacy, numeracy, ICT)	

Please send an email to [trainingapplications@wirral.gov.uk](mailto:trainingapplications@wirral.gov.uk) to confirm that this performance appraisal and development meeting has taken place. Include employee name, employee number and the date of the meeting.



Employee signature:

date:

Manager signature:

date:

Senior Manager signature:  
(If applicable)

date:

Senior Manager Comments (if appropriate):

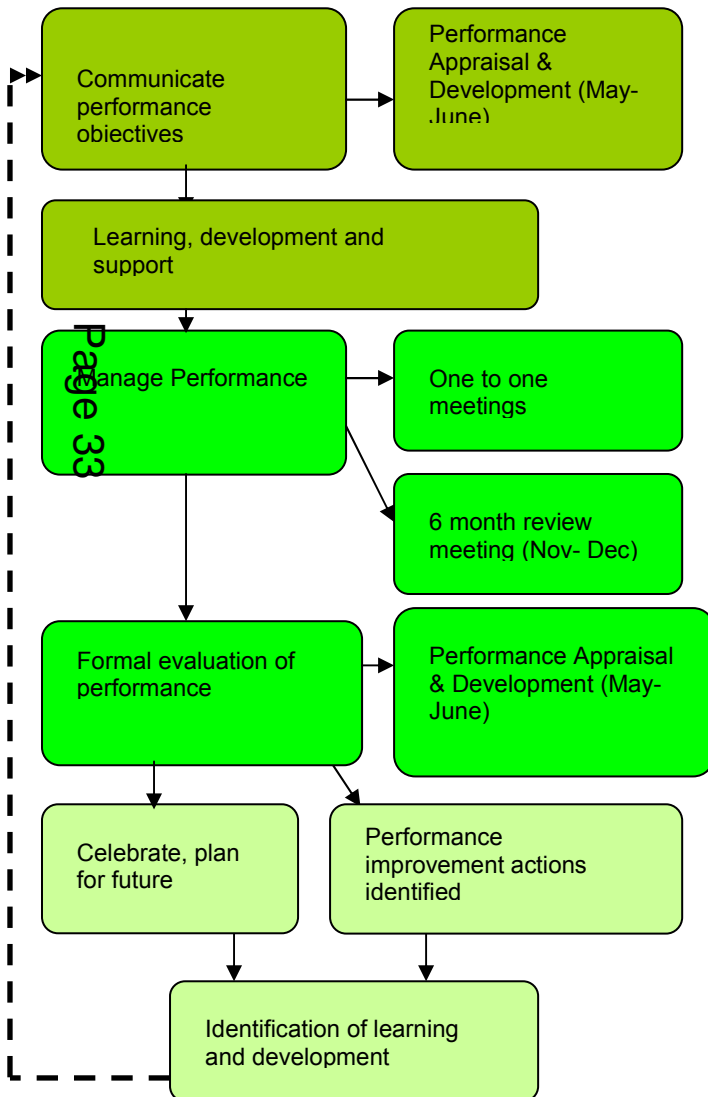
The performance Appraisal and Development documentation will be kept on the employee's personal file and will be kept confidential in line with normal line management arrangements.

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## 1. Introduction to Performance Management

Performance management provides a framework for reviewing and managing an employee's performance in work. Discussion about work and work progress is an important part of the performance management process. The Performance Appraisal and Development meeting is one method for doing this.

## 2. Performance Management Flowchart



## 7. Scoring Performance

## 3. Performance Appraisal and Development Meeting

1. Introduction
  - Set the scene
2. Looking Back
  - Review last year's objectives and agree ratings
  - Recognise and celebrate success
  - Personal development achieved
3. Where you are now
  - Discuss changes, challenges and issues
4. Looking Forward
  - Agree this year's objectives
  - Agree personal development
5. Summarise
  - Check details and understanding
  - Plan next steps, including six month review meeting

The Performance Appraisal and Development documentation will be kept on the employee's personal file and will be kept confidential in line with normal line management arrangements.

## 4. What you will need

- The Corporate Plan
- Departmental and team Plan/objectives
- Wirral Values and Behaviours
- Job description and person specification
- Performance Appraisal form
- Last year's appraisal
- Learning and Development opportunities

## 9. Manager's Checklist

## 5. Objectives

1. Objectives should be cascaded from the Departmental Plan. All objectives should be **SMART**:

**Specific**  
**Measurable**  
**Achievable**  
**Relevant**  
**Time bound**

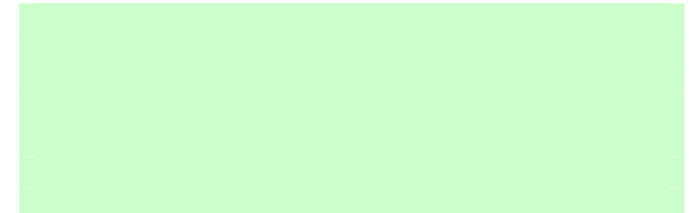
2. Objectives should have:

Beginning (active verb)	Middle (what is to be achieved)	End (a measure)
Reduce	the number of follow up callbacks from 1 <sup>st</sup> time telephone enquiries	by 3% this year
Increase	the take up of training through promotion of activity	by 5% each quarter, this year
Produce	a processing system that is user-friendly, sustainable and improves processing	by 150 applications per quarter, this year

## 6. Wirral Values

*"underpin everything we do – what we do and how we do it"*

Our Values are:



The following scoring criteria will be used to score performance against each objective:

Score	Description
N/A	<b>Not Applicable</b> – unable to achieve due to other factors
1	<b>Not Achieving</b> – has not achieved the required objective
2	<b>Developing</b> – has partially achieved the required objective
3	<b>Achieving</b> – has achieved the required objective
4	<b>Exceeding</b> – has achieved and exceeded the required objective

## 8. Setting the Standard

### At a good performance appraisal and development meeting:

- The employee should do most of the talking.
- The manager listens actively to what is said.
- Performance is analysed and appraised, not personality.
- The whole period is reviewed, not just recent or isolated events.
- The manager gives and receives feedback.
- The employee listens to and reflects on feedback.
- Achievement is recognised and celebrated.
- Plans covering future development and objectives are agreed.
- There should be no surprises.

### At a bad performance appraisal and development meeting:

- The manager controls the meeting.
- The Focus is on failures and omissions.
- The manager does not clearly identify how a score of 3 and 4 can be achieved.
- The meeting ends in disagreement between the manager and the employee.

To do:	<input checked="" type="checkbox"/>
Agree suitable date and venue, giving sufficient notice to the employee	
Ensure the employee knows where to find the performance appraisal and development form and guidance	
Ensure the employee knows the purpose of the performance appraisal and development	
Prepare for the meeting using the performance appraisal and development form	
Ensure the employee has prepared for the meeting	
Gather information and make notes under each section of the form to help the discussion	
Get feedback from colleagues, internal/external customers, using 360 degree feedback tool (Managers only)	
At the meeting, consider and discuss the employee's future potential and personal development	
Arrange a 6 month review date	
Check dates of 1-2-1 meetings	

## 10. Employee's Checklist

To do:	<input checked="" type="checkbox"/>
Prepare for the meeting using the performance appraisal and development form	
Gather information and make notes under each section of the form to help the discussion	
Check previous performance appraisal and development to review progress against last year's objectives	
Think about Wirral's Values and Behaviours and how they affect performance	
At the meeting, consider your future potential and personal development – what support will you need?	

For further information contact a member of the Organisational Development Team at [www.organisationaldevelopmentteam@wirral.gov.uk](mailto:www.organisationaldevelopmentteam@wirral.gov.uk)

## Quick Guide

to

## Wirral's Performance Appraisal and Development process

**Performance Appraisal and Development  
Frequently Asked Questions**

**1. What are the benefits of Performance Appraisal and Development?**

- Learn what is expected from you in specific terms.
- Learn how your specific job tasks and performance fit into the overall function and performance of the department and the organisation, and how you contribute to it.
- Receive help and support from your manager in terms of improving performance.
- Have your questions answered about your job and your performance.
- Receive recognition for what you have achieved and done well.

**2. How can I best prepare for my Performance Appraisal and Development meeting?**

- Go through each of your objectives for last year and write down evidence of how you have met them.
- In situations where you have fallen short of your goals, try to identify why this occurred, and what could be done to remove these barriers to performance in the future.
- Study a copy of the appraisal and development form that will be used to document the performance appraisal and development meeting.
- Prepare any questions you want to ask your manager at the meeting.

**3. What is a 6 month Review Meeting?**

A review meeting is a formal review of your performance against agreed objectives. This should take place six months after the performance appraisal and development meeting, and is a formally documented review meeting.

**4. What is a one to one Meeting?**

A one to one meeting is an informal meeting with your manager to discuss your work and progress against objectives, and are usually held once a month. One to one meetings ensure there is effective, two-way communication. One to one meetings can include discussion on:

- What is working well
- Barriers to performance and how these can be removed
- Progress against objectives
- Learning and development opportunities
- Your potential and career development

**5. What are some examples of evidence I can use to show my performance against my objectives?**

- Feedback (written or verbal) from internal or external customers
- Minutes of meetings attended (showing not just attendance, but a real input)
- Reports produced
- Certificates for learning and development
- Observations by manager

**6. What will the scoring be used for?**

The scoring criteria will be used to assess your performance against your agreed objectives. Your manager will make it clear to you what outputs and outcomes are expected from you in order to achieve a score of 3 or 4. You and your manager will discuss evidence of your performance at the performance appraisal and development meeting.

Managers will support employees who fail to meet their objectives to the required standards to improve. This will include the identification of appropriate learning and development. However, employees who perform consistently below the required expectations may be taken through the formal capability process.

**7. Will the scoring be used in a redundancy situation?**

Should the Council ever need to consider compulsory redundancy, performance will be taken into account. However, there are no plans to link the performance appraisal and development score and the redundancy process.

**8. What is 360 degree feedback?**

360 degree feedback is an appraisal tool for managers only. It provides the manager being appraised with the opportunity to receive feedback from a range of sources on performance against Wirral's Values and Behaviours. 360 degree feedback comes from the people all around the manager, including subordinates, peers and senior managers, and, in some cases, external sources such as customers or external partners.

**9. How does 360 degree feedback fit in?**

The results of the 360 degree feedback will be made available to the manager being appraised, to assist with their personal development plan, which will form part of the performance appraisal and development meeting.

**10. Will my Performance Appraisal and Development score be used in the future for Performance Related Pay?**

There are no plans to introduce Performance Related Pay to the Council. Therefore scores will not be used in this way.

### **11. Who will see my Performance Appraisal and Development document and scores?**

The performance appraisal and development documentation will be kept your personal file and will be kept confidential in line with normal line management arrangements.

Normally the only people to see your paperwork and scores will be you, your Line Manager and their Line Manager (The Senior Manager). This is to allow the Senior Manager to check that your line manager is scoring in a fair and consistent way and also to monitor that Performance Appraisals are taking place.

### **12. What if my Manager and I disagree on my scores?**

The performance appraisal and development meeting should be based on an honest discussion between you and your manager throughout the year. You can put forward evidence to discuss with your manager.

If there are areas of genuine disagreement these should be discussed with the senior manager as with other employment practices.

### **13. What is the role of The Senior Manager?**

The performance appraisal and development form includes a requirement for the performance appraisal and development process to be signed off by the manager's manager (The Senior Manager). This approach will provide quality assurance for the process and will in turn form part of the performance appraisal and development process for all managers, so that every manager is accountable for the performance appraisal and development of their team

The Senior Manager will:-

- 1) Monitor the performance appraisal and development process for their team and report to Directors.
- 2) Standardisation checks of scoring across their management team.
- 3) Support Managers / employees in the event of a disagreement on an allocated score.

### **14. What if my Performance Appraisal and Development meetings, and one to one meetings do not take place?**

You should speak to your manager to ask for a meeting. The performance appraisal and development process involves a monitoring and quality assurance element: regular reports will be produced and analysed by The Executive Team. The Senior Manager is responsible and accountable for ensuring that all performance appraisal and development meetings are completed within their departments.

### **15. What if this is my first Performance Appraisal and Development meeting?**

If this is your first performance appraisal and development meeting, you will not have any objectives and will therefore not be scored. The focus of the performance appraisal and development meeting will therefore be on setting your objectives with your manager for the year. These will then be reviewed with your manager through

## Appendix Five

the one to one meetings and the six month performance appraisal and development review meeting.

### **16. How much detail needs to be included for each objective?**

The level of detail to be included in writing your objectives is for discussion between you and your manager. The level of detail should be such that both you and your manager are clear about what is expected. All objectives should be written using the SMART model, this will ensure that the correct level of detail and clarity of expectation is achieved.

### **17. Where is the information recorded?**

The performance appraisal form is a living document which is to be kept by you, and a copy taken by your manager. The Human Resources section does not need a copy of the form. However, you should notify the Human Resources team that you have had your performance appraisal and development meeting by sending an email to [trainingapplications@wirral.gov.uk](mailto:trainingapplications@wirral.gov.uk). Your email should include your name, employee number and the date of your appraisal.

### **18. Do I have to attend?**

As an employee of the Council there is an expectation that you will actively take part in the performance appraisal and development process. It is an opportunity for you to discuss your work objectives, progress and learning and development with your manager.

### **19. What happens to the current KIE on-line process?**

The performance appraisal and development process is being rolled out in stages, beginning with The Chief Executive and then being cascaded down throughout the organisation to Chief Officers, Heads of Service and Senior Managers in 2011, and Managers, Team Leaders and all employees in 2012. You should continue with the current KIE on-line process until the performance appraisal and development process is rolled out to you.