

**Employment and Appointments Committee  
24 November 2016**

<b>REPORT TITLE</b>	<b>HR POLICY UPDATES (PROBATIONARY POLICY AND MANAGING PERFORMANCE POLICY)</b>
<b>REPORT OF</b>	<b>ASSISTANT DIRECTOR: HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT</b>

**1.0 REPORT SUMMARY**

1.1 This report sets out proposed changes to the Council's Probationary Policy and Performance Management Policy and supporting procedures.

**2.0 RECOMMENDATIONS**

2.1 That Employment and Appointments Committee approves changes to the Council's Probationary Policy and Performance Management Policy and supporting procedures.

**SUPPORTING INFORMATION****3.0 REASONS FOR RECOMMENDATIONS**

3.1 To ensure that Council's Human Resources (HR) policies are up to date, legally compliant and enable managers to manage day to day employee issues in the workplace

**4.0 OTHER OPTIONS CONSIDERED**

4.1 No other options were considered.

**5.0 BACKGROUND INFORMATION**

5.1 The Council's HR policies are subject to an ongoing review to ensure they remain fit for purpose, legally compliant and provide a valuable and workable resource for employees and managers on employment related issues in the workplace. In the past couple of years, changes and updates have been made to a number of key policies including disciplinary, grievance and attendance management policies.

5.2 Earlier this year work commenced to review the probationary and performance capability policies, both of which have been in place for a long time. These policies are linked. The Probationary Policy provides a framework for managers to manage performance of new employees and the Performance Management Policy sets out how managers should address concerns of underperformance for employees no longer in their probationary period.

## PROBATIONARY POLICY AND PROCEDURE

- 5.3 It is common practice for organisations to have a probationary policy for new employees. By setting a probationary period, an employer can alert a newly recruited employee that his or her performance will be under continuous review during the first weeks and months of employment and that continued employment is subject to satisfactory completion of the probationary period.
- 5.4 Probationary periods have no legal status and an employee who is on probation has the same statutory employment rights as other employees. It is the length of continuous service that defines an employee's statutory employment rights, including his or her rights in the event of dismissal
- 5.5 The Council's policies and procedures have been reviewed and benchmarked to ensure it meets best practice in Local Authorities and large organisations.
- 5.6 A number of and a range of changes have been proposed to the policies and procedures on this basis. The key changes are:

<b>Current Policy</b>	<b>Revised Policy</b>
Different probation periods for different roles depending on conditions of services (craft, green book)	Probation period of 6 months for all employees.
No extension to probation specified	Provision to extend once for up to another six month period
No provision for longer probationary period for roles where qualification or professional standards required in first year	Professional standards probation period is 12 months with ability to extend (e.g. Social Work)
No definition of probation included	Definition included
Notice period for end of probation or ending probation early – contractual	Notice period statutory 1 week based on length of service
No right to be accompanied	Right to be accompanied by TU rep or workplace colleague at final stage probation meeting
Detail of management responsibilities limited	Specified role of manager in more detail and role of employee
Insufficient detail on process for confirming employee in post or terminating employment	Specific detail included for confirming employee in post and terminating employment
Appeal process not specified.	Provision for review of decision not to confirm appointment by senior manager

## PERFORMANCE MANAGEMENT POLICY

- 5.8 It is proposed to change the title of this policy from Performance Capability to Performance Management. This is more than a title change. Its purpose is to reflect the requirement of managers to manage performance of employees and for employees to understand that it is a requirement of management to do so.
- 5.9 This policy and procedures set out the process for managers to follow if there are concerns about an employee's performance.
- 5.10 The aim of the policy and procedures is to improve performance where it is not meeting the required standards by; ensuring that required standards are made clear, appropriate support is provided and the employee has the opportunity to improve over a reasonable timeframe. It retains informal and formal stages. A failure to improve performance to the required level may in some circumstances lead to dismissal and so it is important the Council is clear on how under performance is managed in order that employees are given the opportunity to improve, are treated fairly and the risks to the organisation are minimised.
- 5.11 The Council's policy and procedures have been reviewed and benchmarked to ensure it meets best practice in Local Authorities and large organisations.
- 5.12 A number of and a range of changes have been proposed to the policies and procedures on this basis. The key changes are:

<b>Current Policy</b>	<b>Revised Policy</b>
Name - Performance Capability Procedure	Name - Performance Management Procedure
Informal process does not have specific outcomes including action plan	Action plan and specific outcomes for informal process with meeting required at the end of informal process.
Three different levels of capability (capability, serious and gross) with procedures for each	One procedure with ability to move into appropriate formal stage for serious concerns as appropriate.
Informal stage and four formal stages with appeal.	Informal stage and two formal stages with appeal
Timescales not specified	Up to 3 months at informal stage Guidance for timescales of 3-6 months at formal stages which will depend on nature of the issue.
No information about grounds for appeal	Clarity around potential grounds for appeal.
Performance Improvement plan lacks detail	Performance Improvement Plan includes more detail on what is required.

- 5.13 In order to deliver our plans, and deliver the best possible services within the resources available, the Council needs to develop a stronger performance management culture. This starts with expectations and objectives for every employee through appraisal: regular performance meetings, clarity of required professional standards where appropriate and the development of employees and managers with a strong emphasis on leadership and management, culture and behaviours.
- 5.14 The proposed policy and procedures deals with one aspect of performance management which is addressing concerns of under-performance. The purpose is always to improve performance, but we need to be clear how we manage when an employee is not meeting those expectations, the impact on the workplace and service and the consequences.
- 5.15 The proposed policy and procedure retains the clear principle that employees must be given the support and time to improve should performance fall below the required standard. The policy will enable the Council to manage these issues in line with how other organisations are operating in a way that is fair and transparent.

### **Communication and Training**

- 5.16 Subject to this Committee accepting the recommendations, the policies will be published on the Council's intranet by the end of November 2016.
- 5.17 The documentation required for managers has been reviewed and updated. We have also developed checklists, guidance and Frequently Asked Questions (FAQs) to support the operation of these policies.
- 5.18 We will also ensure all managers and employees are aware of changes through manager's brief and cascaded via team meetings.
- 5.19 Line Managers will be invited to an initial briefing about the policies. There is e-learning module for Performance Management in development which will be mandatory for line managers to ensure there is an understanding of this policy.
- 5.20 From January 16, it is planned to deliver further dedicated training to all line managers on what is required to manage team and individual performance effectively. Again, this will be mandatory. This will have a wider focus on the key principles of performance management and the skills managers will require. This is part of wider culture change programme.

### **6.0 FINANCIAL IMPLICATIONS**

- 6.1 There are no financial implications. Training on new policies will be delivered from existing resources.

### **7.0 LEGAL IMPLICATIONS**

- 7.1 There are no specific legal implications arising out of this report.

## **8.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

8.1 There are no specific staffing, ICT or Assets implications arising out of this report.

## **9.0 RELEVANT RISKS**

9.1 There are no specific risks arising out of this report.

## **10.0 ENGAGEMENT/CONSULTATION**

10.1 In developing the managing performance policy specifically, a workshop was held with a group of experienced managers drawn from services across the Council to listen to issues they had experienced in operating the current policy and to identify how policy and practice may be improved.

10.2 The trade unions were consulted on both policies.

## **11.0 EQUALITY IMPLICATIONS**

11.1. Equality Impact Assessment (EIA)

(a) Is an EIA required? Yes

<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments/equality-impact-assessments-2014-15-0>

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## **APPENDICES**

Appendix 1 Probationary Policy and Procedure

Appendix 2 Performance Management Policy and Procedure

## **REFERENCE MATERIAL**

N/A

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

<b>Council Meeting</b>	<b>Date</b>