

Notice of Meeting

People, Performance and Development Committee



SURREY
COUNTY COUNCIL

Date & time
Thursday, 25 April
2019
at 2.00 pm

Place
Committee Room C,
County Hall, Kingston
upon Thames, Surrey
KT1 2DN

Contact
Vicky Hibbert
Room 122, County Hall
Tel 020 8541 9229

Chief Executive
Joanna Killian

vicky.hibbert@surreycc.gov.uk



We're on Twitter:
@SCCdemocracy

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This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Vicky Hibbert on 020 8541 9229.

Members

Mr Tim Oliver (Chairman), Mr Colin Kemp (Deputy Chairman), Mr Ken Gulati, Mr Eber A Kington, Mrs Fiona White and Ms Denise Turner-Stewart

AGENDA

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

2 MINUTES OF PREVIOUS MEETINGS

(Pages 1
- 10)

To agree the minutes of the People Performance and Development Committee which took place on 11 February 2019 and the Appointments Sub-Committees which took place on 19 March and 1 April 2019 as a true record of those meetings.

3 DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

- (i) Any disclosable pecuniary interests and / or
- (ii) Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

NOTES:

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

4 PROCEDURAL MATTERS

a. Members' Questions

The deadline for Member's questions is 12.00pm four working days before the meeting (*Wednesday 17 April*).

b. Public Questions

The deadline for public questions is seven days before the meeting (*Thursday 18 April*).

c. Petitions

The deadline for petitions was 14 days before the meeting, and no petitions have been received.

d. Representations received on reports to be considered in private

To consider any representations received in relation to why a part of the meeting relating to a report circulated in Part 2 of the agenda should be open to the public.

- 5 ACTION REVIEW** (Pages 11 - 14)
For Members to consider and comment on the Committee's actions tracker.
- 6 FORWARD WORK PROGRAMME** (Pages 15 - 18)
For Members to review and comment on upcoming items due for consideration by the People, Performance and Development Committee.
- 7 ACCELERATING APPRENTICESHIPS** (Pages 19 - 26)
Update to inform the Committee on the Council's approach to increasing apprenticeships within Surrey.
- 8 PERFORMANCE MANAGEMENT** (Pages 27 - 100)
The Committee is asked to:
- Consider and note the overarching new approach to employee performance management.
 - Consider and endorse a number of proposed modifications to three of the Council's contractual employment policies and procedures.
- 9 APPOINTMENT OF AN EMPLOYER REPRESENTATIVE OF THE LOCAL PENSION BOARD** (Pages 101 - 106)
This report sets out the proposed appointment of an individual member of the Local Pension Board for approval by the People, Performance and Development Committee.

The Local Pension Board is a requirement under section 5 of the Public Service Pensions Act 2013, and Regulation 106 of the Local Government Pension Scheme Regulations 2013.
- 10 DATE OF NEXT MEETING**
The next meeting of People, Performance and Development Committee will be on 13 June 2019.

**Joanna Killian
Chief Executive**

Published: Monday, 15 April 2019

MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

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It is requested that if you are not using your mobile device for any of the activities outlined above, it be switched off or placed in silent mode during the meeting to prevent interruptions and interference with PA and Induction Loop systems.

Thank you for your co-operation

MINUTES of the meeting of the **PEOPLE, PERFORMANCE AND DEVELOPMENT COMMITTEE** held at 3.30 pm on 11 February 2019 at Members' Conference Room, County Hall, Kingston upon Thames, KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting.

Elected Members:

Mr Tim Oliver (Chairman)
Mr Colin Kemp (Deputy Chairman)
Mr Ken Gulati
Mr Eber A Kington
Ms Denise Turner-Stewart
Mr Chris Botten

Apologies:

Mrs Fiona White (Mr Chris Botten attended as substitute)

1/19 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from Fiona White and Chris Botten attended as a substitute.

2/19 MINUTES OF PREVIOUS MEETINGS [Item 2]

An error was identified in the minutes from the Appointments Sub-Committee that took place on 6 December. Subject to this being corrected, the minutes were agreed as a true record of the People Performance and Development meeting held on 7 November, and the Appointments Sub-Committees held on 14, 15, 26 and 28 November and 5, 6 and 10 December 2019.

3/19 DECLARATIONS OF INTEREST [Item 3]

There were none.

4/19 PROCEDURAL MATTERS [Item 4]

There were none.

5/19 ACTION REVIEW [Item 5]

Declarations of interest:

None

Witnesses:

Vicky Hibbert, Senior Manager – Governance
Jackie Foglietta, Director of HR

Key points from the discussion:

1. It was noted that there had been a lot of Appointment Sub-Committees held in November and December 2018 with some of these resulting in no appointment being made. Members of the Committee requested that they receive up to date structure charts for tier 3 of the organisation along with a list of the current outstanding appointments. It was also requested that following a sub-committee meeting an email is sent to Members of PPDC confirming who has been appointed to a position.
2. The Director of HR confirmed that this information would be provided alongside details of when future appointments are likely to take place in each directorate.
3. Members reviewed the action tracker and queried the latest update on the Member / Officer Protocol. It was confirmed that this would be presented to the Committee at its meeting in April 2019.

Actions/ further information to be provided:

1. The Director of HR to provide Members of the People, Performance and Development Committee with up to date Tier 3 structure charts alongside a list of outstanding appointments and information on when future appointments are likely to be made (A1/19).
2. The Director of HR to write to Members of the People, Performance and Development Committee following an Appointments Sub-Committee to confirm who has been appointed to each role considered (A2/19).

RESOLVED:

That the Committee reviewed and monitored progress on the implementation of actions from previous meetings.

6/19 FORWARD WORK PROGRAMME [Item 6]**Declarations of interest:**

None

Witnesses:

Jackie Foglietta, Director of HR

Key points raised during the discussion:

1. It was noted that the Forward Work Programme referred to the Interim Director HR and this was incorrect. It was agreed that this would be rectified for the next committee meeting.
2. Members of the Committee noted that there would be further Appointment Sub-Committees taking place over the next few months.

Actions/ further information to be provided:

That the Forward Work Programme contains the correct job titles (A3/19).

RESOLVED:

That the People, Performance and Development Committee reviewed and noted items that it is due to consider at future meetings.

It was agreed by the Chairman that items 8 and 9 would be considered before item 7.

7/19 EXCLUSION OF THE PUBLIC [Item 8]

RESOLVED: That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information under the relevant paragraphs of Part 1 of Schedule 12A of the Act.

8/19 SURREY PAY 2019/20 [Item 9]**Declarations of interest:**

None

Witnesses:

Jackie Foglietta, Director of HR
Paul Smith, Interim HR Consultant

Key points raised during the discussion:

1. Members of the Committee were informed that following the November meeting of the People, Performance and Development Committee negotiations took place with the Trade Unions on changes to Surrey Pay for 2019/20 alongside consultation with staff and through the Schools Forum for school based staff.
2. Trade Unions balloted in January 2019 and it was confirmed that the proposed pay offer was the best deal that could be hoped for in the circumstances and as a result the pay offer was accepted by collective agreement.
3. Members noted that there would be changes to professional subscriptions and that travel expenses and relocation would be looked at again in line with the proposed move of County Hall.
4. A discussion around the number of full time equivalent staff employed by the Council was held and it was agreed that further information on this would be provided to Members of the Committee.
5. Members queried the situation with pay for schools staff and noted that this would now be aligned with non-schools pay.
6. The Committee were pleased to note that the proposals had been agreed with the Trade Unions as this had not been the case in the past.

Actions/ further information to be provided:

The Director of HR to provide further information on the number of full time equivalents employed by the Council to Members of the People, Performance and Development Committee (A4/19).

RESOLVED:

It was agreed that the following changes be effective from 1 April 2019:

- i. the pay points be implemented within existing pay grades as set out in the submitted report;
- ii. that staff progress through the pay points until the maximum is reached with the option of withholding pay progression in cases where a manager is dealing with issues concerning an employee's performance;
- iii. that staff are assimilated from their current pay to the nearest pay point with an increase in pay for all staff;
- iv. that Leadership pay be frozen until 1 April 2020;
- v. the changes to local pay and terms and conditions elements as set out in the submitted report;
- vi. that the above changes be effected by a collective agreement with the Trade Unions.

Following the conclusion of this item the Chairman moved the meeting back into public to consider item 6.

9/19 SURREY COUNTY COUNCIL PAY POLICY STATEMENT [Item 7]**Declarations of interest:**

None

Witnesses:

Jackie Foglietta, Director of HR
Paul Smith, Interim HR Consultant

Key points raised during the discussion:

1. Members of the Committee were informed that this was a statutory report that had to be considered by County Council on an annual basis or if any changes are made to pay.
2. Attention was drawn to the median pay ratio which was 8.1:1 which was the lowest since reporting began and it was noted that the national guidance on best practice is around 10:1. It was requested that this information be included in the final report to County Council.
3. Members expressed their thanks to officers for an excellent piece of work that had resulted in a collective agreement being made with the Trade Unions.

Actions/ further information to be provided:

The Director of HR make reference to the median pay ratio being lower than the government limit of 10:1 within the final Pay Policy Statement report to County Council (A5/19).

RESOLVED:

That the People, Performance and Development Committee recommend the adoption/publication of the Pay Policy Statement to the next Surrey County Council County Council meeting on 19 March 2019.

10/19 PUBLICITY OF PART 2 ITEMS [Item 10]

That following agreement by the Committee, information relating to Surrey Pay 2019/20 be made available.

11/19 DATE OF NEXT MEETING [Item 11]

The Committee noted that its next meeting would be held on 25 April 2019.

Meeting ended at: 4.03pm

Chairman

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MINUTES of the meeting of the **APPOINTMENTS SUB-COMMITTEE** held at 2.00 pm on 19 March 2019 at County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting on Monday, 1 April 2019.

Elected Members:

- * Mr Tim Oliver (Chairman)
- * Mrs Mary Lewis
- * Mr Eber A Kington
- * Mrs Fiona White

1/19 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

No apologies were received.

2/19 DECLARATIONS OF INTEREST [Item 2/19]

There were none.

3/19 EXCLUSION OF THE PUBLIC [Item 3]

RESOLVED: That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information under paragraph 1 of Schedule 12A of the Act.

4/19 SENIOR APPOINTMENT OF DIRECTOR OF COMMUNICATIONS AND ENGAGEMENT [Item 4]

Declarations of interest:

None.

Witnesses:

Michael Coughlin, Executive Director of Customer, Digital and Transformation
 Jackie Foglietta, Director of HR & OD
 Vicky Hibbert, Senior Manager – Governance

Key points raised during the discussion:

1. Interviews were conducted by a Sub-Committee of the People, Performance and Development Committee for the position of Director of Communications and Engagement at Surrey County Council. During the interview, the candidates responded to a number of set questions asked by the Committee.
2. Following the end of the interviews, Members discussed the performance of the candidates in detail and agreed that Andrea Newman clearly demonstrated the skills and experience necessary to

be Director of Communications and Engagement for Surrey County Council.

Actions/ further information to be provided:

None

RESOLVED:

The People, Performance and Development Committee agreed to appoint Andrea Newman to the role of Director for Communications and Engagement for Surrey County Council.

5/19 PUBLICITY FOR PART TWO ITEMS [Item 5]

It was agreed that the information in relation to the Part 2 items discussed at the meeting would remain exempt.

Meeting ended at: 4.00pm

Chairman

MINUTES of the meeting of the **APPOINTMENTS SUB-COMMITTEE** held at 2.00 pm on 1 April 2019 at County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting on Date Not Specified.

Elected Members:

- * Mr Tim Oliver (Chairman)
- * Mrs Mary Lewis
- * Mr Eber A Kington
- * Mrs Fiona White

6/19 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1/19]

No apologies were received.

7/19 DECLARATIONS OF INTEREST [Item 2]

There were none.

8/19 EXCLUSION OF THE PUBLIC [Item 3]

RESOLVED: That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information under paragraph 1 of Schedule 12A of the Act.

9/19 SENIOR APPOINTMENT OF DIRECTOR OF COMMISSIONING [Item 4]

Declarations of interest:

None.

Witnesses:

Dave Hill, Executive Director of Children, Families and Learning
Rahki Saigal, Strategic Business Partner (HR)
Vicky Hibbert, Senior Manager – Governance

Key points raised during the discussion:

1. Interviews were conducted by a Sub-Committee of the People, Performance and Development Committee for the position of Director of Commissioning at Surrey County Council. During the interview, the candidates responded to a number of set questions asked by the Committee.
2. Following the end of the interviews, Members discussed the performance of the candidates in detail and agreed that Hayley Connor clearly demonstrated the skills and experience necessary to be Director of Commissioning for Surrey County Council.

Actions/ further information to be provided:

None

RESOLVED:

The People, Performance and Development Committee agreed to appoint Hayley Connor to the role of Director for Commissioning for Surrey County Council.

10/19 PUBLICITY FOR PART TWO ITEMS [Item 5]

It was agreed that the information in relation to the Part 2 items discussed at the meeting would remain exempt.

Meeting ended at: 4.06pm

Chairman



People, Performance and Development Committee
25 April 2019

Action Review

Purpose of the report:

For Members to consider and comment on the Committee's actions tracker.

Introduction:

An actions tracker recording actions and recommendations from previous meetings is attached as **Annex 1** and **Annex 2 (Part 2)**, and the Committee is asked to review progress on the items listed.

Recommendations:

The Committee is asked to monitor progress on the implementation of actions from previous meetings.

Report contact: Angela Guest, Democratic Services Officer

Contact details: 020 8541 9075, angela.guest@surreycc.gov.uk

Annexes:

Annex 1 – People, Performance and Development Committee Actions Tracker
Annex 2 - People, Performance and Development Committee Actions Tracker (Part 2)

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People, Performance & Development Committee – ACTION TRACKING

April 2019

ONGOING ACTIONS

Number	Meeting Date	Item	Action	Action by whom	Action update
A12/18	14 June 2018	Member/Officer Working Relationships	The Member Development Steering Group to be asked to conduct a review into the standards expected of Members in respect of their attendance at meetings, the outcomes of which should be reported back to the Committee.	Democratic Services Lead Manager	The Member Development Steering Group met on to consider the revised protocol on 26 February 2019. It has been agreed that the revised protocol will be presented to County Council later in the year in line with the culture change programme. (Updated: 3 April 2019)
A1/19	11 February 2019	Action review	The Director of HR to provide Members of the People, Performance and Development Committee with up to date Tier 3 structure charts alongside a list of outstanding appointments and information on when future appointments are likely to be made.	Director of HR	The Tier 3 structure charts and a list of future appointments were circulated to Members of the Committee on 18 March 2019. (Updated: 3 April 2019)
A2/19	11 February 2019	Action review	The Director of HR to write to Members of the People, Performance and Development Committee following an Appointments Sub-Committee to confirm who has been appointed to each role considered.	Director of HR	To be actioned following each Appointments Sub-Committee. (Updated: 3 April 2019)
A3/19	11 February 2019	Forward work programme	That the Forward Work Programme contains the correct job titles.	Senior Manager - Governance	The Forward Work Programme has been updated to ensure that the correct job titles are included. (Updated: 3 April 2019)

People, Performance & Development Committee – ACTION TRACKING April 2019

A4/19	11 February 2019	Surrey Pay 2019/20	The Director of HR to provide further information on the number of full time equivalents employed by the Council to Members of the People, Performance and Development Committee.	Director of HR	A spreadsheet containing FTE information was circulated to Members of the Committee on 15 April 2019. (Updated: 15 April 2019)
A5/19	112 February 2019	Pay Policy Statement	The Director of HR make reference to the median pay ratio being lower than the government limit of 10:1 within the final Pay Policy Statement report to County Council.	Director of HR	The Pay Policy Statement was updated to include this information and this was approved by County Council on 19 March 2019. (Updated: 3 April 2019)

COMPLETED ACTIONS

Number	Meeting Date	Item	Recommendation / Action	Action by whom	Action update
A1/18	29 January 2018	Apprenticeship Levy & Public Sector Target Update	The next update to PPDC on the Apprenticeship Levy should include further detail on valuable apprenticeships as well as outlining steps being taken by SCC to attract young people to take on an apprenticeship.	Learning & Development Service Manager	This information is included in the Apprenticeship Levy report due to be discussed by the Committee at its meeting on 25 April 2019. (Updated: 3 April 2019)



People, Performance and Development Committee
25 April 2019

Forward Work Programme

Purpose of the report:

For Members to review and comment on upcoming items due for consideration by the People, Performance and Development Committee.

Introduction:

A Forward Plan recording agenda items for consideration at future People, Performance and Development Committee meetings is attached as **Annex 1**, and Members are asked to review the items listed on the Forward Plan.

Recommendations:

That the People, Performance and Development Committee review items that it is due to consider at future meetings (Annex 1).

Report contact: Angela Guest, Democratic Services Officer

Contact details: 020 8541 9075, angela.gues@surreycc.gov.uk

Annexes:

Annex 1 – People, Performance and Development Committee Forward Work Programme

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People Performance and Development Committee Forward Work Programme – April 2019

13 June 2019

Item title	Workforce Performance Indicators – half yearly report
Report author	Jackie Foglietta, Director of HR & OD
Item Summary	For PPDC to review workforce performance indicators.

Item title	Staffing terms and conditions associated with Moving Closer to Residents
Report author	Jackie Foglietta, Director of HR & OD
Item Summary	For PPDC to review the proposed changes to staffing terms and conditions as part of the Moving Closer to Residents project.

Item title	Apprenticeship Pay
Report author	Jackie Foglietta, Director of HR & OD
Item Summary	For PPDC to review the proposed changes to apprenticeship pay.

23 September 2019

Item title	Apprenticeships Levy update
Report author	Jackie Foglietta, Director of HR & OD
Item Summary	For PPDC to receive an update on the Apprenticeship Levy.

Senior Officer Appointments will be scheduled as and when required.

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Accelerating Apprenticeships

Building on our approach to the increase of apprenticeships
within Surrey





Apprenticeship levy and target

Introduced in April 2017, new apprenticeship regulations shifted the way organisations use apprenticeships nationally.

What is required of organisations?

- Those with a paybill in excess of £3m p.a. contribute 0.5% of their total into an apprenticeship levy (account)
- 2.3% of employees to undertake an apprenticeship for public sector organisations

For Surrey County Council this means...	And we have achieved...
<p>£1m+ apprenticeship levy contribution annually</p> <p>211* employees required to undertake an apprenticeship</p>	<p>£523,116 spend over the past two financial years</p> <p>168 employees started an apprenticeship in the 18/19 financial year which is equivalent to 1.8% of our workforce</p>

Successes

- 32 “traditional” apprentices currently employed at SCC
- 16 employees undertaking a degree level apprenticeship (including Digital & Technology Solutions, Chartered Manager, Chartered Legal Executive and Chartered Surveyor)
- 39 employees undertaking the Children, Young People and Families Practitioner apprenticeship
- Integrated rotational apprenticeship programme developed for Surrey Heath ICS working with SCC, Virgin Care and HEKSS due to start Summer 2019
- Real-time apprenticeship analysis (people/spend) developed through Tableau
- Young Employees Network launched

YEN

Young Employees Network

- YEN (Young Employee Network) - a self-managed group of young people to network and discuss things that may be of concern to them.
- Launched corporately Autumn 2018 with c.20 members, this group is growing from strength to strength and is now made up of c.60 young employees, including apprentices.
- The group is actively helping to modernise the way we work; vital if we are to attract and retain young employees.

“As an apprenticeship ambassador, I will be representing Surrey County Council at the Apprentice Network event at the House of Commons next week.”

Elliot Small, Communications Apprentice and YEN member

Challenges

- Expiry of levy funds – first deposits forecasted to expire March 2020 unless spent before then
- Apprentice Pay and the effect this has on recruiting “traditional” apprentices
- Reorganisations, restructures and resultant employee turnover
- Closer To our Residents Programme (CH Move)
- Length/time commitment required for Higher/Degree level Apprenticeships



Opportunities 1

- Driving **transformation** forward by using apprenticeship qualifications to increase the organisation's capabilities in key skill areas (Change Management, Improvement, Project Management, Leadership, Digital, Social Work)
- **Working in partnership** with services through reorganisations to explore and embed apprenticeship opportunities (Children's, HR, Finance)
- Supporting our **care leavers, looked after children and NEETs** into employment by developing 'work-ready programmes', targeted recruitment campaigns and guaranteed interviews. Contributing to the Surrey 2030 vision '**no one left behind**'
- **Surrey Children's Academy** presents an opportunity to develop a levy transfer process, a rotational apprenticeship programme and joint procurement opportunities with partners
- Working with universities to develop the new **Social Work Apprenticeship Degree** (Adult's and Children's) for implementation in September 2020

Opportunities

2

- Reviewing how we **commission** and approach work with apprenticeship providers for a more effective process and develop programmes that are tailored to the context and needs of the organisation
- Exploring the possibility of apprenticeship **levy transfers** to support our partners and other employers, strengthening our place based approach, supporting the local economy and Surrey residents
- Building on work already started (Action for Carers) in employing and deploying apprentices within the **Voluntary Community and Faith Sector (VCFS)**
- Reviewing **apprentice pay**

Next steps and actions

Actions	When
HR and Finance redesign and exploration of apprenticeship funded development opportunities	April – July 2019
Engagement with partners on transfer of levy funding (SECAmbs transfer already in progress)	April – May 2019
Improvement Apprenticeship Cohort: c.25 Change Management roles	June 19 start
Review apprentice pay for PPDC consideration	July 2019
Senior Leaders MBA Cohort	September 2019 start
Develop programmes and support for care leavers, looked after children and NEETs	September 2019
Explore deployed apprenticeship opportunities within the Voluntary Community and Faith Sector (VCFS).	September 2019
Explore a rotational/integrated apprenticeship for central Surrey with Surrey County Council, Central Surrey Health (CSH), Surrey and Borders Partnership, NHS Trusts and others.	September 2019
Design, engagement and planning of SCC Social Work Apprenticeship Programme	September 2020 start



SURREY

People, Performance and Development Committee
25 April 2019

Performance Management

Purpose of the report:

The Committee is asked to:

- Consider and note the overarching new approach to employee performance management.
- Consider and endorse a number of proposed modifications to three of the Council's contractual employment policies and procedures.

Recommendations:

It is recommended that the People, Performance and Development Committee agrees to the proposed amendments to the following policies and procedures:

- a. Performance Capability
- b. Disciplinary
- c. Grievance

Introduction:

1. One of the strategic objectives of the Our People 2021 Workforce Strategy is to develop a new approach to performance and achievement, the aim being that individual and organisational performance will be improved through new approaches to performance management that support honest performance discussions.
2. This has led to the development of a fundamentally different approach to employee appraisals and an associated review of performance related policies and procedures to create a framework that will have a tangible positive impact on individual and organisational performance.

Key Issues

3. Appraisals
4. SCC's previous appraisal process was widely viewed as process heavy, bureaucratic and of questionable value. Alongside this, its link to pay progression resulted to some extent in superficial compliance and a forced rating distribution, with feedback from the appraisal discussion and

confirmation of an individual's rating/subsequent pay increase not being communicated until up to three months after the actual meeting.

5. The move from "appraisals" to "performance conversations" involves a complete change of focus; from a top down, management led process, with an emphasis on compliance and justifying past performance; to a simple process and guidance with a focus on future performance and continual improvement and jointly agreed expectations, supported by a coaching management style.
6. Policies
7. The council's existing Capability, Disciplinary and Grievance policies are lengthy, focussed on process as opposed to outcome and do not entirely align with each other.
8. The revised policies are clearer and simpler and have been produced in a new format to reflect the desired cultural change the council is aiming for.
9. The full policies (and accompanying procedures) are attached to this report, with a summary of key changes presented in Appendices A, B and C.
10. The Committee is asked to note in particular that the council's current Grievance Policy provides no route for Chief or Deputy Chief Officers to raise a grievance. The new policy includes provision for Chief/Deputy Chief Officers to lodge a grievance with the council's Monitoring Officer, with any subsequent appeal being heard by the Appeals and Representations Panel in accordance with the council's Constitution.

Consultation

11. Feedback from managers and employees has been used to develop the new approach to appraisals and associated performance management related policies and procedures.

The Trade Unions have been consulted on and are in agreement with proposed changes.

Financial and value for money implications:

12. It is not anticipated that this new approach will result in any negative financial impact. It is hoped the changes will:
 - Maximise and focus the time invested on raising individual and organisational performance through the replacement of the previous appraisal system.
 - Reduce employee and manager time spent complying with rigid timescales that apply to the current policies.
 - Enable managers to follow a more systematic approach, with less reliance on the HR Helpdesk.

Equality and Diversity implications:

13. The proposed changes to the appraisal system, policies and procedures do not vary the council’s overall approach to managing equality and diversity in employment. It is expected the changes will improve our approach in this area by signposting employees to support within the council and for managers and employees to consider wellbeing implications during capability or grievance situations.

Risk Management implications:

14. The key elements of the revised policies are based on the ACAS Code of Practice, therefore reducing the likelihood of cases culminating in Employment Tribunal claims.

Next Steps:

15. Workshops are currently being held to communicate and engage employees across the organisation with the council’s new approach to appraisals, accompanied by guidance available on S-net.

16. On gaining Committee endorsement to the revised policies & procedures, these will be communicated, along with relevant guidance and accompanied by e-learning and in person training sessions.

17. The new approach to and format of HR policies and procedures will be adopted for all future new and revised documents.

Report contact: Jackie Foglietta, Director of HR & Organisational Development

Contact details: 020 8213 2619

Performance Capability Policy & Procedure - Comparisons

Current	Proposed
The formal stages of the Capability Policy apply to both performance and absence	The Performance Capability Policy and Procedure will be completely separate to the Sickness Absence Policy and Procedure.
Title - Capability Policy	Title – Performance Capability Policy The change in title will enable employees to distinguish between the Performance Capability policy and the Sickness Absence Policy.
The Capability Policy currently makes reference to ‘sickness absence issues that are not resolved through the informal absence management procedure set out in the absence management policy, should be progressed using the formal stages of the Capability Policy.’	References made to the management of sickness absence that are not relevant to the policy have been removed.
The current policy refers to the informal process being managed under normal day to day activity with an agreed development plan and timescales.	Detail on the informal process has been shortened, with reference made to it being part of normal performance conversations/supervision. Guidance will advise managers how to develop improvement/action plans.
Informal and Formal stages	The policy has removed most references to informal and formal stages, referring to informal as normal performance conversations/supervision and formal referring to the policy and procedure themselves.
	A new definitions chart is included to clarify which policy applies to what i.e. sickness, performance capability or disciplinary.
	Objectives – new section and wording

<p>Employee entitlements and expectations</p>	<p>This has been adapted and incorporated into guiding principles, with the following additions:</p> <ul style="list-style-type: none"> • To be given reasonable notice of any formal meeting or hearing; to be notified of the outcome of any formal meeting or hearing in writing within the timescales set out in the capability procedure. • That employees are expected to be committed to achieving and maintaining required levels of performance and support such standards being maintained; to co-operate with any action taken under this policy and the associated procedure.
	<p>Partnership working – new section introduced to take into account partnership working arrangements</p>
<p>Formal procedure – Stage One Capability Meeting</p> <ul style="list-style-type: none"> • Sets out the information the employee is provided with before the stage one capability meeting. 	<p>Performance Capability meetings</p> <ul style="list-style-type: none"> • Sets out the information the employee is provided with for all formal meetings rather than repeating similar information for each stage of the process. • Clarifies that outcome decisions will be confirmed to both parties in writing within five days of the meeting.
<p>Decision – No Further Formal Action Decision – Further Action Required Capability Review Meeting Formal Procedure – Stage Two Capability Meeting Potential Outcomes Entering the procedure directly at Stage Two of the Capability Procedure</p>	<p>Stages and potential outcomes</p> <ul style="list-style-type: none"> • New introductory wording setting out outcomes that are common to all stages. • A table summarises each stage (Stage 1 Capability Meeting, Stage 1 Capability Review meeting, Stage 2 Capability Meeting), its purpose, potential outcomes and any other important information. • Removed information about what to include in an action plan as this will be added to the Guidance.



Disciplinary Policy & Procedure - Comparisons

Current	Proposed
The policy defines how discipline is maintained through advice, training etc. and how discipline may need to be reinforced by application of formal aspects of procedure.	The policy emphasises that everyday management and communication do not form part of the formal disciplinary policy and that this includes dealing with very minor breaches of conduct in line with ACAS guidance.
The style is based as a mechanism for imposing sanctions.	Adapted style to be seen as an aid to effective management and as a means of modifying people’s behaviour in line with the organisation’s aims.
	New definitions chart included showing which policy applies to what i.e. sickness, performance capability and disciplinary
In the current policy under ‘who uses the policy’ it states “special arrangements may also need to apply to disciplinary investigations involving Chief Executive, Directors, Head of Service, Section 151 and Monitoring Officers. Advice should be sought from the Director of HR&OD in these circumstances”.	<p>The new policy will include reference to PPDC’s role in disciplinary matters involving Chief, Deputy Chief and Statutory Officers under ‘roles and responsibilities’ as follows:</p> <p>The People, Performance and Development Committee holds responsibility for taking disciplinary action (including dismissal but see below) against Chief, Deputy Chief and Statutory Officers as defined in the Local Government & Housing Act 1989 (including appointing an independent panel when required to do so). Full Council has responsibility for dismissing the council’s Head of Paid Service, Section 151 and Monitoring Officers.</p>
Disciplinary rules	These will be referred to as examples of general and gross misconduct and will be included in the guidance. Examples will now also include reference to the Council’s Values and Behaviours.
	Inclusion of new objectives. All are new apart from the reference to fair treatment.
Informal Procedure	Removed - although references are made to the use of an informal procedure via normal performance conversations/supervisory

	processes in the Introduction section. The opening sentence of this section refers to using the formal process when misconduct cannot be handled through everyday management processes.
Preliminary Enquiry - Formal Procedure	Summarised in this section. Specific reference to the example of harassment or safeguarding investigations when an employee is not advised about the allegation “early on” has been removed – this will be included in the Guidance Q&As.
Formal Procedures – warning expiry timescales: <ul style="list-style-type: none"> • Short disciplinary procedure – 6 months • Full disciplinary procedure – written warning – 12 months and final written warning – 18 months 	Proposed formal procedure – warning expiry timescales: <ul style="list-style-type: none"> • Short disciplinary procedure – 6 months • Full disciplinary procedure – written warning – 12 months and final written warning – 12 months
Suspension – formal procedure	Only the main points are included in the policy and procedure and other points will be included in the Guidance. Reference to a suspension risk assessment has been removed and HR added as a point of reference for complex suspension cases.
Investigation – formal procedure	Only main points of investigation are included as other points will be included in the Guidance.
Formal Stage – Hearing and other considerations <ul style="list-style-type: none"> - Stated that previous misconduct would be taken into consideration regardless of whether or not it had expired. - Included withholding salary progression and pay rises. 	<ul style="list-style-type: none"> - New policy ensures that any previous misconduct would only be taken into consideration when the previous warning is still live. - The withholding of pay progression and pay rises has been removed from this Policy. The withholding of salary progression remains in the Reward Policy. - Examples have now been added to explain when financial reimbursement may be required, e.g. cases of fraud and/or theft.
Process at a full length disciplinary hearing	Removed on the basis that it will be included in the Guidance.
Stage 1 – Short Disciplinary Procedure Stage 2 – Written Warning Stage 3 – Final Written Warning Stage 4 - Dismissal	All summarised in a table. Some procedural information not included will be added to the Guidance.



Grievance Policy & Procedure – Comparisons

Current	Proposed
<p>Places relatively limited emphasis on seeking solutions to disagreements and difficult situations. It frames grievances as allegations that can be ‘upheld’ or ‘not upheld’, as opposed to issues which can be ‘resolved’.</p>	<p>The proposed revisions to the policy incorporate linguistic and associated changes that focus on resolving complaints and disagreements. In the same spirit, the policy name has changed to ‘Grievance Resolution Policy and Procedure’.</p>
<p>Makes no reference to the Council’s policy on Ending Harassment, Bullying, Discrimination and Victimisation, or the various support sources employees have access to in order to aid informal resolution of disputes (e.g. Fairness Champions, coaching, mediation, restorative framework). Furthermore, it does not outline that Trade Union support may be available to officers prior to the commencement of any formal proceedings, and that this applies to both aggrieved employees and those faced with allegations.</p>	<p>The proposed revisions to the policy make reference to the restorative philosophy, and the associated Guidance will aim to provide employees with a comprehensive suite of tools, approaches and associated sign-posting.</p>
<p>The current Grievance Policy and Procedure sets a rigid requirement for an employee to report a grievance to the manager of their line manager, something which will not be appropriate or practicable under every set of circumstances.</p>	<p>The proposed revised Policy replaces this with a requirement to submit a grievance with a “manager of appropriate seniority”. The procedure provides model timescales for guidance purposes for non-complex cases.</p>

<p>The current Grievance Policy and Procedure provides the Head of Paid Service and their direct reports with no way of filing a grievance.</p>	<p>The proposed revised Policy includes provision for Chief/Deputy Chief/Statutory Officers to submit a grievance to the Monitoring Officer. The proposal include designating the Director of HR & OD as a contact where appropriate.</p>
<p>The current Grievance Policy and Procedure includes timelines for various stages of the process which may be unrealistic in complex cases and/or where an employee/manager is absent due to holiday or sickness. These stipulations can create unnecessary friction where deadlines cannot be met.</p>	<p>The proposed revisions to the policy replace the fixed timelines for outcomes with a requirement for frequent updates (at least every two weeks).</p>
<p>The current Grievance Policy and Procedure does not clarify the distinction between commissioning officers (those overseeing the process and/or chairing a hearing) and investigating officers (those who are designated to carry out an investigation), and it is unclear on when an investigation should take place.</p>	<p>The proposed revised policy provides additional clarity, which will be further enhanced in the relevant Guidance.</p>
<p>The current Grievance Policy and Procedure refers to commissioning an independent investigator but does not include a facility for the Council to consider appointing an external investigator in cases where that may be warranted by the complexity of the issue or the seniority of the officers involved.</p>	<p>The proposed revised policy includes clarification on the appointment of an external investigator.</p>
<p>.</p>	<p>The proposed revised Policy emphasises implications to the employee’s well-being of raising a grievance, recommending managers to hold relevant conversations with aggrieved employees to assess the needs of the employee and consider making any adjustments that may be appropriate to individual circumstances.</p>



<p>The current Policy includes a section on 'matters which fall outside the scope of the Grievance Resolution Policy and Procedure'. This makes reference to a number of policy areas that would need to be exhausted via the appeals route prior to having recourse to the Grievance Policy. The Unions found this restrictive and not in keeping with the foundation of the Grievance Policy as well as employment legislation, e.g. an employee's route to raising an Employment Tribunal claim.</p>	<p>This has been replaced with 'issues that may cause grievances' in keeping with ACAS guidance. It also now makes reference to the ability to raise a grievance for serious harassment, bullying and discrimination issues rather than having to exhaust all the restorative practices in the Ending Harassment, Bullying, Discrimination and Victimisation Policy prior to raising a grievance.</p>
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SURREY

Performance Capability Procedure

March 2019

Purpose

The Performance Capability Policy and Procedure should be used when an employee has failed to make the necessary performance improvements within the timescales agreed within the [Performance Improvement Plan \(PIP\)](#).

Has a Performance Improvement Plan (PIP) been completed during normal performance conversations/supervision?



Yes continue to read on

No Refer to the guidance on Performance Improvement Plans

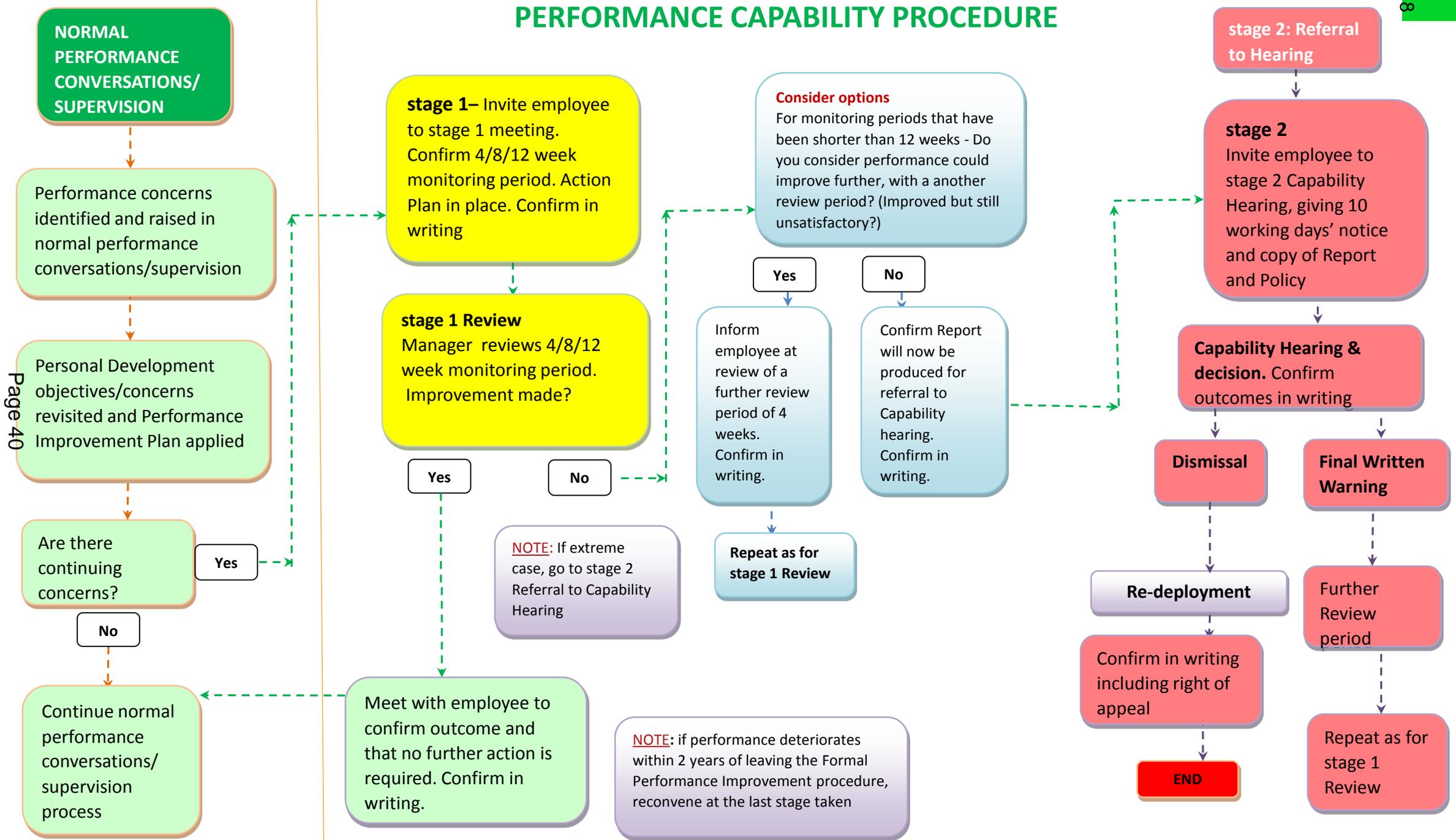
Performance is how we approach work and relationships, individually and collectively, to deliver the right outcomes. Our performance conversations have this at the heart of its design.

It is expected that a manager will seek to resolve concerns regarding performance capability, as part of the normal performance conversations/supervision process. Managers should not unreasonably refuse a request from the employee to be accompanied by a trade union representative or work colleague for such a meeting.

Normal performance conversations and supervision are designed to encourage open communication between employees and their managers, and to allow concerns to be addressed through supportive measures such as a performance improvement plan (PIP), with both parties working together to achieve this. Guidance on supporting the employees through **this** process can be found in the [Performance Improvement Plan Guide](#).

The [Performance Improvement Plan \(PIP\)](#) should be applied in the first instance, prior to progressing through the formal stages of this procedure to enable support during normal performance/supervision conversations to be exhausted.

PERFORMANCE CAPABILITY PROCEDURE



Stage 1 Meeting (formal right to be accompanied by a trade union representative or colleague)

Stages	Purpose	Outcomes when further action is required	Important considerations for Managers
Stage 1 Performance Capability meeting (Includes review of PIP)	<ul style="list-style-type: none"> To advise the employee whose performance has not improved following the Performance Improvement Plan (PIP) that the Performance Capability Policy and Procedure will now be applied. For the line manager to review the PIP and state concerns. Advise employee that a 4, 8 or 12 week performance improvement plan will be applied. Managers will inform employees that failure to reach appropriate standards may ultimately result in dismissal. The manager will prepare a progress report at the end of the review period and a stage 1 review meeting will then be held to discuss this report. Enable employee to raise any points they wish to be considered. 	<ul style="list-style-type: none"> A performance action plan designed to bring the employee's performance up to an acceptable level. This should be linked to the employee's Performance Improvement Plan. Confirm dates of the 4, 8 or 12 week performance monitoring period. Employee is advised that a failure to improve their performance by the end of the agreed timescale could lead to Stage 2. 	<ul style="list-style-type: none"> Managers are required to contact HR prior to the commencement of this stage.

Stage 1 – Review Meeting/start of Stage 2 (formal right to be accompanied by a trade union representative or colleague)

Stages	Purpose	Outcomes when further action is required	Other information
<p>stage 1 Review meeting/ start of stage 2</p> <p>Page 42</p>	<ul style="list-style-type: none"> To review the last 4, 8, or 12 week monitoring period (which began following the stage 1 meeting), and assess the level of improvement made and to determine the appropriate outcome, which may result in a referral to a Performance Capability hearing. <p>The manager will either:</p> <ul style="list-style-type: none"> Acknowledge that sufficient improvements have been made and confirm a return to normal performance conversations/ supervision; <p>OR</p> <ul style="list-style-type: none"> Confirm that there has been insufficient improvement in their performance and advise the employee that their case will proceed to stage 2 of the performance capability procedure; referral to the Performance Capability Hearing. <p>OR</p> <ul style="list-style-type: none"> Confirm, for cases where the hearing outcome has been deferred following an additional review, that the employee will be invited to attend a reconvened hearing for a final outcome. 	<p>The manager meets with the employee to confirm the outcome which is either:</p> <ul style="list-style-type: none"> That satisfactory performance improvement has been achieved therefore no further action will be taken and the normal performance management process will continue to be followed i.e. normal performance conversations/ supervision. This means stage 1 of the performance capability procedure has ended. (Confirm this in writing); <p>OR</p> <ul style="list-style-type: none"> If the employee’s performance does not improve to the required standard, as set out in the Performance Action Plan (PAF) for stage 1, inform the employee that they will be required to attend a formal Capability Hearing at stage 2 which could result in dismissal. <ul style="list-style-type: none"> The manager is required to produce a management report to make a case for a referral to a Performance Capability hearing. This should include a summary of the employee’s performance progress to date and any related papers (such as the action/improvement plans) 	<ul style="list-style-type: none"> In exceptional circumstances, the review meeting may take place before the agreed end of the review period. For those whose performance is considered sufficient at this stage, failure to maintain an acceptable level of performance within a 24 month period may result in the manager, returning immediately to this stage of the procedure. Employees whose hearing outcome has been deferred will still be expected to attend a hearing for a final outcome regardless of the review period outcome. For extenuating circumstances, where there has been some improvement, advise the employee that an exceptional further 4 week review period is recommended as part of stage 1 Employee informed that a potential outcome of stage 2 is dismissal

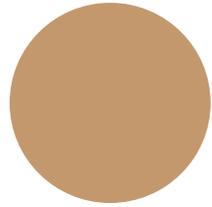
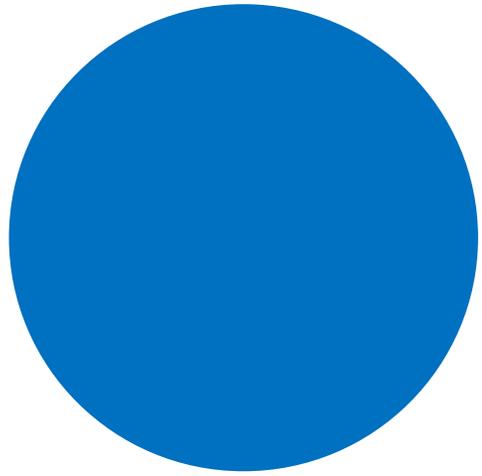
Stage 2 – Performance Capability Hearing (formal right to be accompanied by a trade union representative or colleague)

Stages	Purpose	Outcomes when further action is required	Other information
<p>Stage 2</p> <p>Performance Capability Hearing</p>	<p>Following the recommendation and completion of a Capability Stage 2 hearing report, a hearing, chaired by a senior manager, will be arranged and convened to hear the case put forward.</p>	<p>The possible outcomes of the Hearing are:</p> <p>Where the Chair decides that the level of performance is such that the employee can no longer fulfil the requirements of the job they can either :</p> <ul style="list-style-type: none"> • dismiss the employee from the current role but seek to find suitable alternative work during the notice period. This will only apply in extenuating circumstances e.g. promoted beyond capability but performed exceptionally in previous role; <p>or</p> <ul style="list-style-type: none"> • dismiss the employee without recourse to seeking alternative employment. <p>Any dismissal will be with notice or with payment in lieu of notice.</p> <p>b. Where the Chair decides that the level of performance does not warrant dismissal, they can issue a warning and refer the employee for a final performance review period (of between 4 to 12 weeks).</p>	<ul style="list-style-type: none"> • Typically chaired by a manager senior to the employee’s manager. • Employee informed before the meeting that one of the potential outcomes could be dismissal/termination of contract of employment. • Redeployment should only be considered where there has not been a sustained improvement in performance in the current role but the employee may be able to perform other roles within the council. • If the decision is to allow further time for improvement, the meeting may be reconvened on one further occasion following completion of a further review period with a progress report following the same process for stage 1.

Appeal

Employees have the right of appeal following an outcome at stage 2.

- If an employee wishes to exercise their right of appeal, they must do so by lodging a notice stating the grounds of the appeal within 10 working days of being notified of a decision.
- The appeal will be heard by a senior manager, appointed by the Director, who has not previously been involved in the proceedings. The Director will chair any appeal against dismissal. The decision of the chair is final.
- A decision will normally be given verbally and confirmed in writing within five working days of the appeal hearing.



Other helpful bits

This next page has useful stuff



Appendices

- Appendix A – Summary Checklist
- Appendix B - Formal Performance Improvement Plan **and guidance**
- Appendix C – First Written Warning letter template
- Appendix D – Final Written Warning letter template
- Appendix E – Invite to formal hearing
- Appendix F - Action short of dismissal/demotion/redeployment letter template
- Appendix G – Dismissal letter template
- Appendix H – Performance Capability FAQs
- Appendix I – **Performance Action Plan (PAF)**

Surrey County Council Performance Capability Policy

This Issue	Last Issue	Review Date
March 2019		February 2021



SURREY

Performance Capability Policy

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Policy Scope and Purpose	
Scope and Purpose:	<p>This policy outlines Surrey County Council's approach to managing underperformance, once it has been established that this is due to an employee's performance capability in their job role, which is not associated with reasons related to either their conduct or medical condition.</p> <p>Aims and Objectives</p> <ul style="list-style-type: none"> • To support, guide and advise employees who may be experiencing difficulties in performing their duties to the required standard; • To provide line managers with a clear framework to manage employees who may be underperforming in their role in a fair and consistent manner; • To support a culture of continuous development and improvement.
Start point of the Policy:	When an employee's work performance is unsatisfactory, potentially due to a lack of capability in their job role.
End Point of the Policy:	<p>The outcome may either be one of the following:</p> <ul style="list-style-type: none"> • That work performance has reached a satisfactory level during the informal or formal procedure however employees may return to the policy at the point they left if performance deteriorates. • It may end when it is identified that another policy or procedure is more appropriate e.g. sickness absence policy. • Dismissal if work performance fails to reach a satisfactory standard by within the timescales of the formal procedure.
Legislative requirements:	Effective performance management will support the achievement of the Council's strategic goals as well as helping to encourage and develop employees who may be experiencing performance difficulties at work.
Who uses this Policy:	<p>Although in principle this policy applies to all employees of Surrey County Council, it will not apply to employees in the following situations:</p> <ul style="list-style-type: none"> • Teachers employed in schools and fire fighters, who have separate arrangements. • those who are within their probationary period of employment
Roles and Responsibilities:	<ul style="list-style-type: none"> • Line Managers are responsible for implementing the policy in a fair and consistent manner • All employees will be responsible for engaging with and adhering to this policy and procedures • Trade Unions will be consulted in regard to the content of the policy and will be reasonably available to support and represent their members

	<ul style="list-style-type: none">• The Human Resources team will be responsible for providing guidance and direction• All parties will be expected to apply the policy correctly
Is there a procedure attached to this policy?	Yes. The procedure provides a series of steps to be followed in a consistent way.

1. Introduction

- 1.1 The Council understands that employees may, from time to time, encounter difficulties in performing their duties to the required standard and attaches great importance to supporting its employee's to overcome these issues and sustain satisfactory levels of performance. In the majority of cases this can be done through peer or line manager coaching and additional support, but in some cases a more structured approach is required that clearly indicates the implications of the continued unsatisfactory performance. The primary objective is supporting and encouraging employees so that they may achieve improved levels of performance, with dismissal being the last resort.

2. Guiding Principles

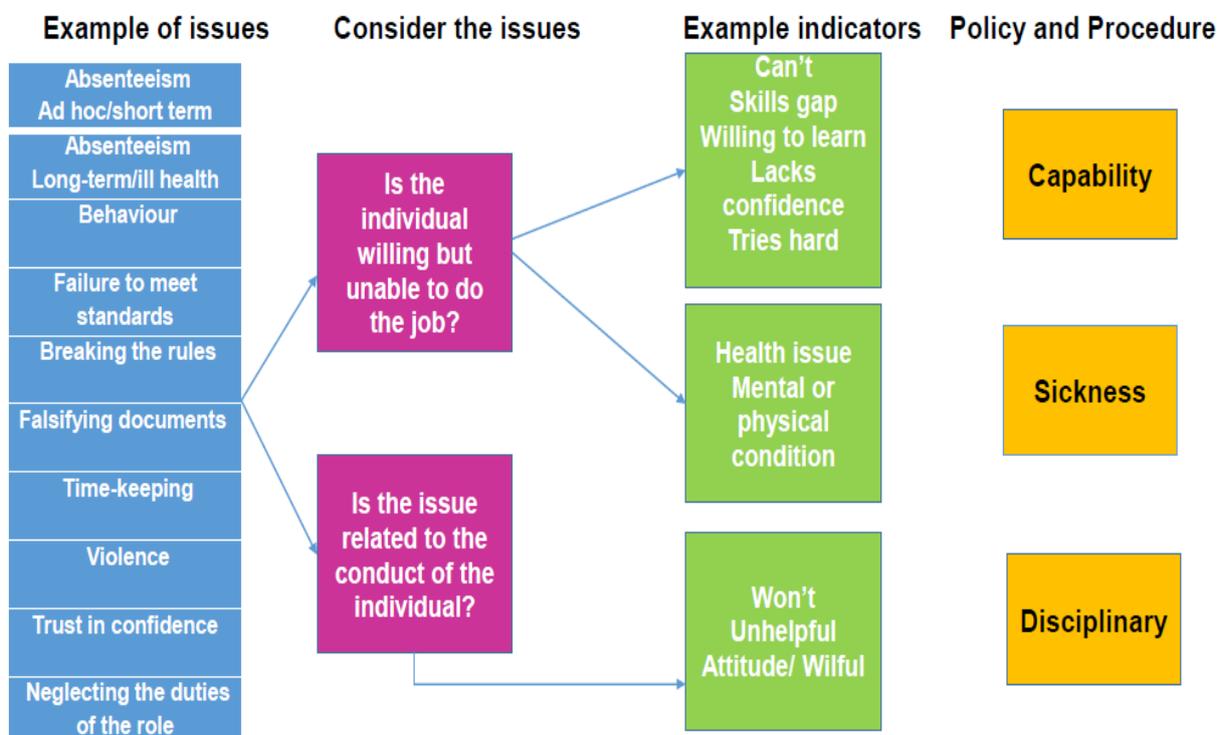
- 2.1 The following guiding principles underpin the Performance Capability Policy and should be observed in order to maximise overall benefit for the Council and its employees:
1. The application of the Performance Capability Procedure should be fair, transparent and consistent; providing sufficient evidence for assessing an employee's performance
 2. Employees will be given the opportunity to challenge claims of poor performance at an early stage, additionally the right of appeal is included when any formal sanction is applied. For formal action the employee will:
 - *Be informed of the nature of the issue(s) of concern against them.*
 - *Be given the opportunity to offer an explanation before any decision is made.*
 - *Be given reasonable notice of any formal meeting or hearing.*
 - *Be given the right to be accompanied to any formal meeting by a Union Representative or Work Colleague.*
 - *Be notified of the outcome of any formal meeting or hearing in writing within the timescales set out in the Performance Capability procedure.*
 3. Employees will be committed to achieving and maintaining required levels of performance, and support such standards being maintained;
 4. Employees to co-operate with any action taken under this policy and the associated procedure
 5. Line Managers play a fundamental role in driving performance capability – this includes making the necessary time required to apply this procedure and supporting the employee who is experiencing difficulties
 6. This policy and procedure should support and develop those that have been identified as not meeting agreed expectations or who are underperforming in their job role

3. The Performance Capability policy sets out:

- How performance Capability is defined;
- What is expected when standards of performance give rise to concerns that cannot be resolved through the normal performance conversations arrangements with training or increased support; and
- How it will be applied when an employee is failing in a significant or persistent way to carry out their duties in a satisfactory manner due to capability.

4. Defining capability

- 4.1 Performance capability can be referred to as an employee's inability to perform work which is expected as part of their job role to a required standard due to insufficient skill level or aptitude. It can also include capability issues where the employee is failing to perform their duties due to poor attendance caused by sickness, ill health or disability. However, sickness/disability related capability should be managed under the formal stages of the Council's Sickness Absence Policy.
- 4.2 The Council has separate Disciplinary, Capability and Sickness procedures, it is important to understand when each procedure would apply. The illustration below provides an outline of when each should be applied:



4.3 This policy and its associated procedure will only apply in cases of performance capability. In circumstances where there are concerns about the performance and capability of an employee arising due to ill health or disability, these should be managed using the Surrey County Council [Sickness Absence Policy and Procedure](#).

4.4 Also where an employee's poor performance is believed to be the result of deliberate negligence or misconduct, or where serious errors have been made by them to the detriment of the Council, managers should use the SCC [Disciplinary Policy and Procedure](#).

5. Normal Performance conversations and supervision

5.1 The [Performance Conversations Framework](#) provides a structure for addressing performance in general through open and honest coaching conversations. It is expected that issues or concerns with performance will be picked up during these conversations or through normal supervision/one to ones and tackled as early as possible. In cases where the performance requires further support for improvement then the [Performance Improvement Plan \(PIP\)](#) should be applied prior to instigating the formal approaches of this policy and the procedure.

5.2 It is important that one to ones/performance conversations not only focus on the issues but also take into account the possible reasons around the unsatisfactory performance. For example, whether or not the employee may be experiencing personal problems, or if they have recently moved into the role, or where there may have been significant changes in their role etc. Consideration should also be given as to whether or not there is an underlying medical condition. HR should always be contacted if in doubt.

6. Performance Capability Policy and Procedure

6.1 The Performance Capability Policy allows for a formal approach to be taken to address the issues of performance. Implementation of the Capability Policy and procedure should not be seen as a forerunner to dismissal, although there may be instances where ultimately dismissal is applied due to no improvement.

6.2 Once it has been established with HR that the approach under the normal performance conversations framework/supervision has been exhausted, then the [Performance Capability Policy and Procedure](#) should be applied.

7. Partnership working

7.1 If a capability issue impacts on more than one employer, every effort will be made to agree an approach that reflects best practice across the organisations involved. Managers from partner organisations will be expected to implement this policy and associated procedure when they are managing Surrey County Council (SCC) employees, with support from SCC management or HR.

8. Employee Support

All employees, subject to performance capability, can access the [Employee Assistance Programme](#) for additional support. They also have the right to request a trade union representative's attendance at formal meetings.

9. Equalities impact and review

- 9.1 HR is responsible for monitoring the impact of this policy on the workforce and ensuring it is not applied disproportionately to certain staff groups. Reports showing the Equality & Diversity breakdown of cases in a Directorate should be shared at least annually with Directorate management teams. The policy will be kept under regular review and amended every 3 years.

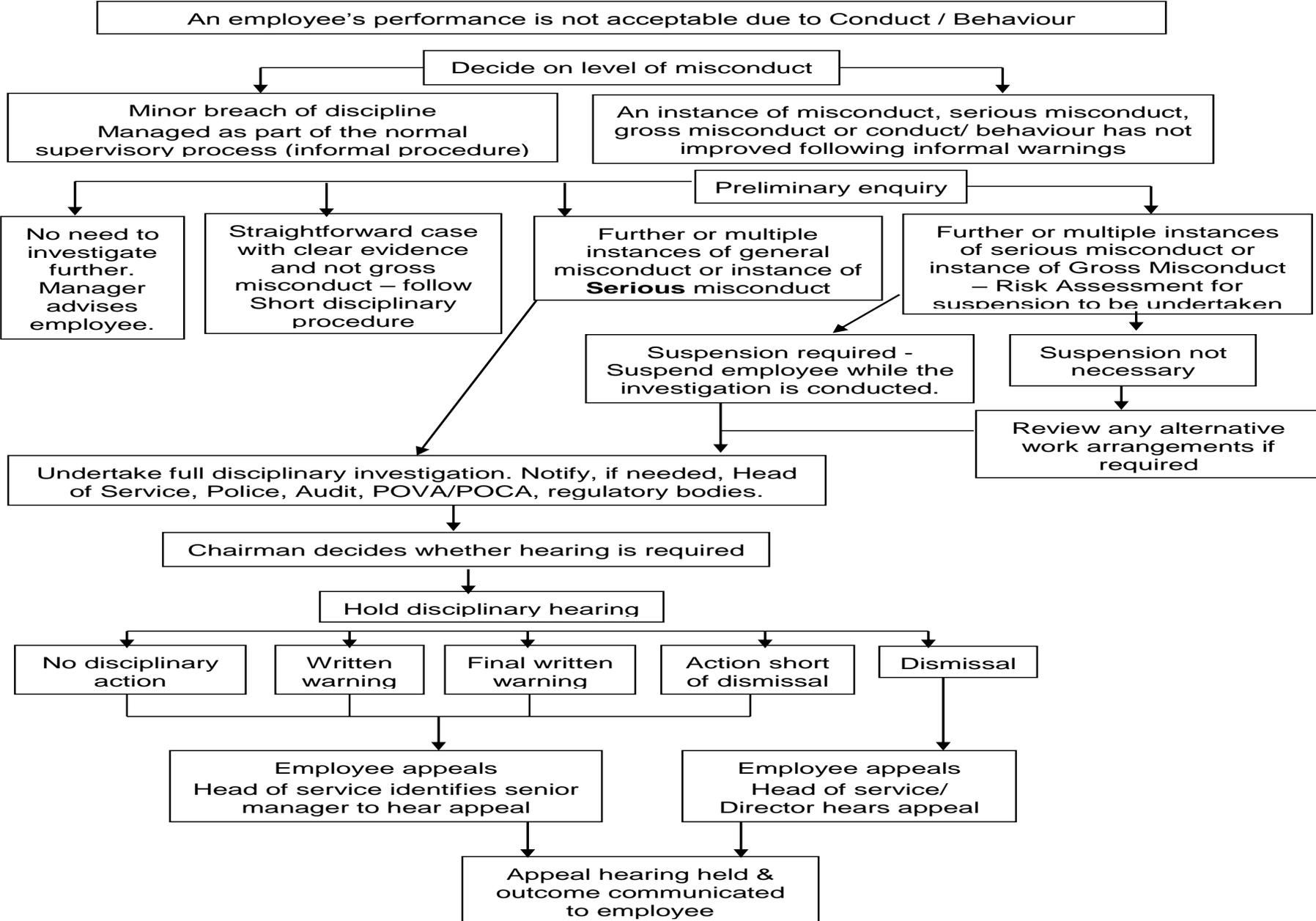


SURREY

Disciplinary Procedure



Disciplinary procedure flow chart



Contents

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- Slide 5 - Informal Stage
- Slide 6 - Formal Stage – Preliminary Enquiries
- Slide 7 – Formal Procedures – Short and full length Disciplinary Procedure
- Slide 8 – Formal Procedures – Investigation
- Slide 9 – Suspension
- Slide 10 – Hearing and potential outcomes
- Slide 11 – Hearing and other considerations
- Slide 12 – Appeals

Purpose

The formal disciplinary procedure provides more detailed guidance that support employees and managers in the Council in dealing with disciplinary situations. It is supported by a guidance document consisting of FAQs and template documents and letters.

This procedure should be used when preliminary enquiries indicate that there is enough evidence to suggest that some misconduct has taken place that cannot be handled through everyday management processes.

Managers should consider the following when informally managing minor breaches of disciplines:

Informal Stage

Cases of minor misconduct are usually best dealt with informally. A quiet word is often all that is required to improve an employee's conduct.

1. You should meet the employee, in the same way you would during performance conversations/supervision, and make them aware of their inappropriate conduct and the expected improvement. You do not need to wait for your next performance conversations/supervision session as early intervention can help resolve matters before they escalate.
2. Depending on the nature of the misconduct, you may wish to capture your discussion in writing to set out the agreed performance standards and support to help the employee to improve.
3. You should only keep a copy of the letter/e-mail on the employee's performance conversations/supervision file. As it is not part of the formal procedure, you should not file a copy on the employee's personnel file.

Dealing with minor misconduct informally does not form part of the formal disciplinary procedure as this should form part of the normal management process

Formal Stage – Preliminary enquiries

If informal action does not bring about an improvement, or the misconduct is considered too serious to be classed as minor, managers should inform employees that the formal disciplinary procedure will be invoked.

Managers need to establish, before starting the formal procedure, whether there is enough evidence to indicate that misconduct has taken place and that the formal procedure should be applied.

At this stage, as the preliminary enquiries stage is about gathering information for the purpose of ascertaining if there is sufficient evidence that misconduct took place. Managers should not unreasonably refuse a request from the employee to be accompanied by a trade union representative or work colleague for such a meeting

If the decision is taken to progress to the formal procedure, the employee will have the right to be accompanied at a disciplinary interview and meeting.

Formal procedures

There are two types of formal disciplinary procedures.

Following which disciplinary stage depends on the severity, frequency and general circumstances of the issue in question. There is no obligation to follow the stages sequentially.

1. Short disciplinary procedure (SDP)

- This is used to resolve relatively straight forward cases with clear evidence at an early stage that issues need to be dealt with more formally than through normal performance conversations/supervision. For example, where an employee has admitted the misdemeanour and the issue is not serious enough to be considered gross misconduct.
- **Sanction** - Brief letter of written warning
- **Timescale** – 3 months

2. Full length disciplinary procedure

- This is used if the offence is a serious one, or if a further offence occurs.
- **Sanction** –written warning/final written warning/dismissal
- **Timescale** – 12 months

Formal Stage – Investigation

The employee's line manager will normally undertake the formal disciplinary investigation and report on their findings.

- All investigatory/fact finding meetings will be fair and reasonable
- The nature and extent of the investigations will depend on the seriousness of the matter and the more serious it is then the more thorough the investigation should be.
- If a meeting is held, give the employee advance warning and time to prepare.
- Employees will have the right to be accompanied at these meetings however if this causes any unreasonable delay e.g. more than 5 days, then the investigating manager may choose to go ahead with the meeting.
- If it becomes apparent that formal disciplinary action may be needed then this should be dealt with at a formal hearing at which the employee will have the statutory right to be accompanied.

Formal Stage – Suspension

Any suspension is brief, and is never used as a sanction against the employee prior to a disciplinary hearing and decision. Always keep the employee informed of progress

- The council has the right to suspend with pay where there are reasonable grounds for concern that evidence may be tampered with, destroyed or witnesses pressurised before the disciplinary hearing, or if there is a potential risk to the business of the council or other employees or third parties in allowing the employee to remain at work.
- HR should be contacted when considering complex suspension decisions.
- The decision to suspend an employee will be made in consultation with the Director and HR Business Partner.
- Consideration should be given to alternatives to suspension, such as the employee working in a different role whilst the investigation takes place.
- This is considered a neutral act which in no way implies that the allegations are proven.

Formal Stage – Hearing and potential outcomes

Following the investigation, if there are reasonable grounds to believe that an employee has committed an act of misconduct, a formal disciplinary hearing will be arranged.

- **Written Warning – 12 months** - This would be applied as a potential outcome for relatively serious offences or if a further offence occurs following a short disciplinary hearing that requires a full length disciplinary procedure.
- **Final Written Warning – 12 months** - This would be applied for persistent failure to improve, or if the misconduct is sufficiently serious to warrant only one written warning, but insufficiently serious to justify dismissal
- **Action short of dismissal** - Where the offence is such that dismissal would normally be the outcome, but there is mitigation to warrant taking action short of dismissal, an alternative, with conditions, may be used. This may include:
 - Final written warning with a recommendation of a transfer to a post at a similar grade in the same or in another area where available
 - Final written warning with an offer of continuing employment conditional on the employee accepting an offer of a post at a lower grade without salary protection.

Where these conditions cannot be met, for example following an unsuccessful redeployment attempt, then the dismissal may still proceed.

Formal Stage – Hearing and potential outcomes

Dismissal

- If conduct is still unsatisfactory and the employee still fails to reach the prescribed standards, dismissal will normally result. The employee will be provided, as soon as reasonable practicable, with written reasons for dismissal, the date on which employment will terminate and the right of appeal.
- If an employee is dismissed for an act of gross misconduct the result will normally be summary dismissal without notice or payment in lieu of notice.

Formal Stage – Hearing and other considerations

- If an employee commits a very similar offence for which a warning has already been issued, the earlier issue will be considered for the new disciplinary matter if the previous warning is still live.
- Where a serious safeguarding concern has been raised it may be that the relevant warning or the existence of a previous investigation should never be disregarded for disciplinary purposes.
- Other sanctions that may be imposed include financial reimbursement where there has been a financial loss e.g. fraud or theft to the council.

Appeal

Employees have the right of appeal following an outcome at the hearing stage.

- If an employee wishes to exercise their right of appeal, they must do so by lodging a notice with the appropriate manager stating the grounds of the appeal within 10 working days of being notified of a decision.
- The appeal will be heard by a senior manager, appointed by the Director, who has not previously been involved in the proceedings. The Director will chair any appeal against dismissal. The decision of the chair is final.
- A decision will normally be given verbally and confirmed in writing within five working days of the appeal hearing.

Other helpful bits

This page has useful stuff

Guidance document that includes the following:

- FAQs
- Examples of general and gross misconduct
- Template Letters
- Template Investigators report
- How to... do a suspension risk assessment
- How to... chair a short and full disciplinary procedure

Surrey County Council

Disciplinary Policy

This Issue	Last Issue	Review Date
February 2019		January 2021



SURREY

Disciplinary Policy

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Policy Scope and Purpose	
Scope and Purpose:	<p>The Council’s Disciplinary policy, procedure and associated guidance have been devised to ensure that lawful, fair and effective arrangements exist for dealing with matters relating to conduct and behaviour of a more serious and/or persistent nature.</p> <p>Aims and Objectives</p> <p>The objectives of this policy are to ensure that:</p> <ul style="list-style-type: none"> • Employees are treated in a fair and consistent manner • Managers are supported in carrying out their responsibilities in maintaining high standards of conduct for all employees, and employees’ standards of conduct are improved wherever necessary and practicable • Issues are managed swiftly and effectively • The council, its employees, clients, the public and recipients of council services are protected from the consequences of misconduct.
Start point of the Policy:	<p>When preliminary enquiries indicate that there is enough evidence to suggest that some misconduct has taken place that cannot be handled through everyday management processes.</p>
End Point of the Policy:	<p>The outcome may either be one of the following:</p> <ul style="list-style-type: none"> • No penalty • An appropriate written warning* • Action short of dismissal • dismissal <p>* A restorative approach may also be taken that could also include a written warning</p>
Legislative requirements:	<p>The law on unfair dismissal requires employers to act reasonably. What is classed as reasonable behaviour will depend on the circumstances of each case.. However, the core principles are set out in the Acas Code of Practice which are adhered to in this policy and associated procedure.</p>
Who uses this Policy:	<p>Although in principle this policy applies to all employees of Surrey County Council, it will not apply to employees in the following situations:</p> <ul style="list-style-type: none"> • The People, Performance and Development Committee hold responsibility for taking disciplinary action (including dismissal but see below) against Chief, Deputy Chief and Statutory Officers as defined in the Local Government & Housing Act 1989 (including appointing an independent panel when required to do so). • Full Council has responsibility for dismissing the council’s Head of Paid Service, Section 151 and Monitoring Officers. • Teachers employed in schools and fire fighters have separate arrangements.
Roles and Responsibilities:	<ul style="list-style-type: none"> • Line Managers are responsible for implementing the policy in a fair and consistent manner • All employees will be responsible for engaging with and adhering to this policy and procedures

	<ul style="list-style-type: none">• Trade Unions will be consulted in regard to the content of the policy and will be reasonably available to support and represent their members• The Human Resources team will be responsible for and providing guidance and direction
Is there a procedure attached to this policy?	Yes. The procedure provides a series of steps to be followed in a consistent way.

1. Introduction

- 1.1 Surrey County Council's Disciplinary Policy, Procedure and Guidance have been devised to ensure that lawful, fair and effective arrangements exist for dealing with matters relating to conduct and behaviour of a more serious and/or persistent nature.
- 1.2 The Policy and Procedure should be used, from the start, as an aid to supporting the effective management of misconduct and not purely as a mechanism for imposing sanctions.
- 1.3 Everyday issues regarding the standards of conduct and behaviour at work will be picked up during the regular communication and performance conversations/supervision between employees and their managers. This will include dealing with very minor breaches of conduct that are not considered to merit progression under this policy.

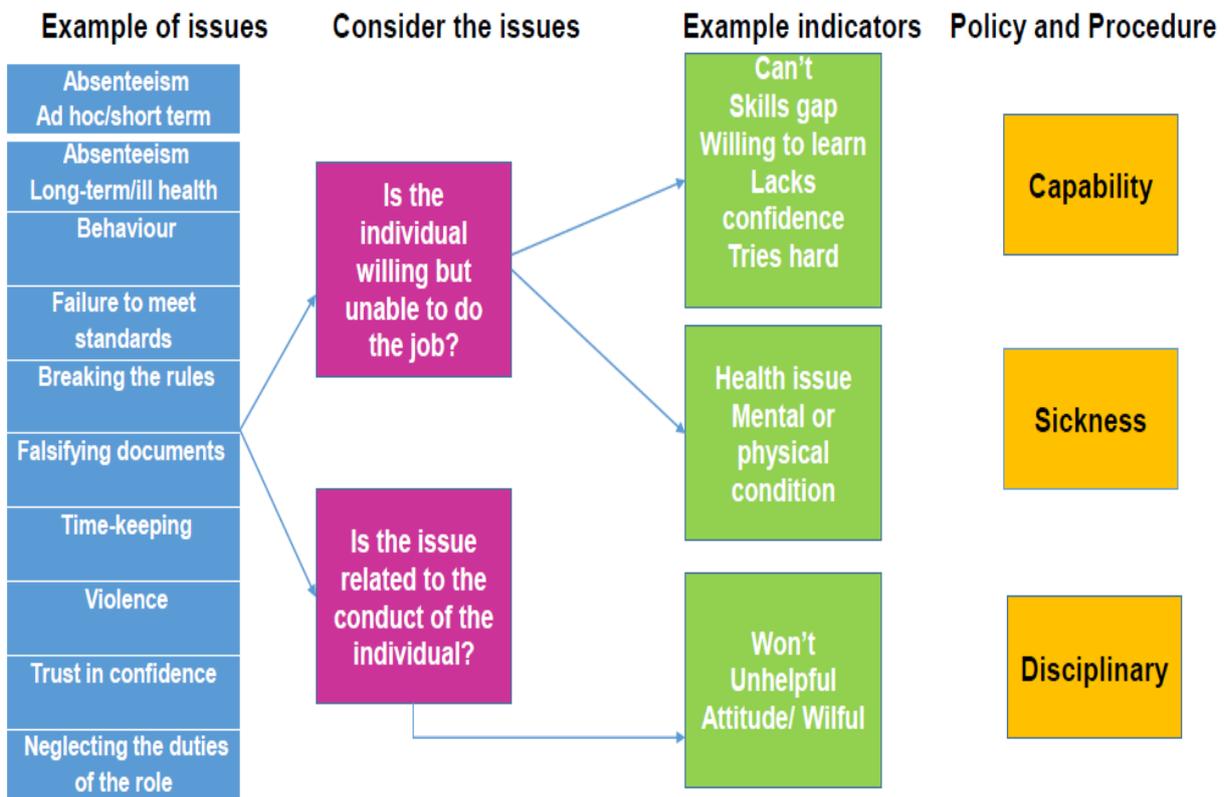
2. Guiding Principles

- 2.1 Employees are required to be aware of the council's values, policies and procedures and maintain appropriate standards of conduct and behaviour at all times. The following guiding principles underpin the Disciplinary Policy and should be observed in order to maximise overall benefit for the Council and its employees:
 1. No disciplinary action will be taken against an employee until the case has been fully investigated and facts established
 2. Line management intervention at an early stage will be considered, where appropriate, to resolve issues.
 3. For action under this policy the employee will:
 - *Be informed of the nature of the issue(s) of concern or case against them.*
 - *Be given the opportunity to offer an explanation before any decision is made.*
 - *Be given reasonable notice of any disciplinary meeting or hearing.*
 - *The employee will have the statutory right to be accompanied by a trade union representative, or work colleague not acting in a legal capacity at a formal meeting or hearing.*
 - *Be notified of the outcome of any disciplinary meeting or hearing in writing within the timescales set out in the disciplinary procedure.*
 4. The relevant manager will provide, where appropriate, employees with supporting evidence in advance of any disciplinary meeting.
 5. No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of notice.
 6. An employee will be given the right of appeal against any disciplinary sanction imposed.
 7. Managers and employees will avoid unnecessary delays and seek to conclude a case within a reasonable timescale.

8. HR advice should be sought by managers in advance of any formal action being taken.

3. Defining disciplinary

- 3.1 Disciplinary is about managing and modifying poor behaviour/misconduct in the workplace by taking informal or formal action under the guidance of the disciplinary policy and procedure. It can also be referred to when an employee is judged capable of carrying out their role to the required standard but for some reason has chosen not to do so (can but won't).
- 3.2 The Council has separate Disciplinary, Capability and Sickness procedures, it is important to understand when each procedure would apply. The illustration below provides an outline of when each should be applied:



- 3.3 This Policy and its associated Procedure will only apply in cases of disciplinary. In circumstances where there are concerns about the performance capability or capability of an employee arising from absence due to ill health, the Performance Capability Policy and Procedure and [Sickness Absence Policy and Procedure](#) should be used.
- 3.4 Also where an employee's poor performance is believed to be the result of deliberate negligence or misconduct, or where serious errors have been made by them to the detriment of the Council, managers should use the SCC [Disciplinary Policy and Procedure](#).

4. Partnership working

- 4.1 If a conduct or behaviour issue impacts on more than one employer, every effort will be made to agree an approach that reflects best practice across the organisations involved. Managers from partner organisations will be expected to implement this policy and associated procedure when they are managing Surrey County Council (SCC) employees, with support from SCC management or HR.

5. Resolving discipline issues informally

- 5.1 Cases of minor misconduct are usually best dealt with informally. A conversation may be all that is required to improve an employee's conduct. In some cases coaching and advice may be what is needed. There will be situations where matters are more serious or where an informal approach has been tried but is not working. If informal action does not bring about an improvement, or the misconduct is considered too serious to be classed as minor, managers should refer to the formal stage of the disciplinary procedure.

6. Taking formal action

- 6.1 Disciplinary action is likely to be recommended against employees who do not adhere to the council's values and standards of behaviour as set out in the council's Code of Conduct and included in the Disciplinary Procedure.
- 6.2 Some acts, termed gross misconduct, are so serious in themselves or have such serious consequences that they may call for dismissal without notice for a first offence. Examples of gross misconduct include theft, fraud, physical violence, gross negligence and serious insubordination. Further examples are provided in the Disciplinary Procedure.
- 6.3 Where some form of formal action is needed, what action is reasonable or justified will depend on all the circumstances of the particular situation. Therefore whenever a disciplinary or grievance process is being followed it is important to deal with issues fairly. There are a number of elements to this:
- Managers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
 - Employers and employees should act consistently.
 - Managers should carry out any necessary investigations, to establish the facts of the case.
 - Employers should inform employees of the basis of the problem and give them an opportunity to put their case in response before any decisions are made.
 - Employers should allow employees to be accompanied at any formal disciplinary meeting.
 - Employers should allow an employee to appeal against any formal decision made.

7. Safeguarding concerns

- 7.1 In cases involving serious allegations against an employee who works in a position of trust with children or vulnerable adults, the relevant safeguarding team should be informed immediately by the manager and, if appropriate, a strategy meeting set up.
- 7.2 All concerns in relation to the future employment of a person who may pose a risk to vulnerable adults or children should be made to the Disclosure and Barring Service at the conclusion of the disciplinary process. The line manager or appropriate manager, in consultation with HR is responsible for making any such referrals and ensuring they are made at the right time.
- 7.3 In cases where external referral is likely to be necessary, particular care needs to be taken to ensure good record are kept of the investigation and disciplinary process. The employee should be informed when an external referral will be made.

8. Employee Support

- 8.1 All employees subject to disciplinary proceedings should be offered the support of the [Employee Assistance Programme](#) and be advised to contact their trade union representative if they have one.
- 8.2 Employers have a duty of care to all staff, particularly those who are suspended from duty, and someone outside of the disciplinary process should be appointed to act as their support and point of contact within the Council.

9. Equalities impact and review

- 9.1 HR is responsible for monitoring the impact of this policy on the workforce and ensuring it is not applied disproportionately to certain staff groups. Reports showing the Equality & Diversity breakdown of cases in a Directorate should be shared at least annually with Directorate management teams. The policy will be kept under regular review and amended from time to time.



SURREY

Grievance Procedure

- FLOW CHART

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Purpose

The formal grievance procedure provides more detailed guidance that support employees and managers in the Council in dealing with grievance situations. It is supported by a guidance document consisting of FAQs and template documents and letters and should be read alongside the Grievance Policy.

This procedure should be used when attempts to resolve issues and complaints informally have not been successful.

Informal Stage

If you have a grievance or complaint to do with your work or the people you work with you should, wherever possible, start by talking it over with your manager. You may be able to agree a solution informally between you.

It is in the best interests of all involved to resolve any grievances quickly and informally through discussion, when a problem or issue arises.

Employees are encouraged to discuss the matter with their immediate line manager or, if this is not possible, an appropriate senior manager in an attempt to resolve it. Making use of the restorative approach referred to in the Policy.

This process does not form part of the formal procedure. Where informal discussion does not resolve the issue then the formal grievance procedure will be used.

Formal Stage – Raising a grievance

Where the informal approach does not resolve the issue then the employee will put their concern in writing to ask for a formal grievance meeting.

Employees should put their grievance in writing to the manager of their immediate line manager, or if unavailable, to another senior manager within the service, using the Stage 1 Grievance form.

Chief/Deputy Chief Officers may lodge grievances with the Council's Monitoring Officer, who will oversee the process and update the Leader of the Council (or a Cabinet Member designated by the Leader) on its progress. Where appropriate the Director of HR&OD may be a designated contact.

Upon receipt of a grievance, the manager will assess whether it is practicable and/or appropriate for them to oversee the grievance resolution process. If they feel that it is not possible or appropriate they will identify a manager who would be suitable to oversee it and agree to hand the case over.

Formal Stage – Investigating a grievance

Page 83 *Ultimately, the aim of the investigation is to establish the full facts of the grievance before any decision is taken.*

- Where it is decided that a grievance requires a detailed investigation, the manager who oversees the process should nominate an ‘Investigating Officer’. The Investigating Officer will typically be a Council employee who is capable of overseeing a formal investigation, and has had no involvement in the issues raised as part of the grievance. However, the Council may appoint an external investigator where that is warranted by the complexity of a case, seniority of the individuals involved, or need to maintain confidentiality. HR can offer advice on the relevant practicalities.
- The Investigating Officer will engage with appropriate stakeholders, and prepare a report to summarise the facts and viewpoints relating to the case.

Formal Stage – Stage 1 Grievance meeting

Ultimately, the aim of the investigation is to establish the full facts of the grievance before any decision is taken.

The meeting will allow the employee to restate and fully explain the details of the grievance and how he or she thinks it should be resolved. The main task for the manager chairing the meeting is to gain a clear understanding of the grievance by listening to the employee and asking questions to clarify the facts.

It is not usual for witnesses to attend the grievance meeting as they would usually be interviewed at the investigation stage, rather than at the meeting. However, where an employee makes a request to call a witness, the manager will consider the request and can agree it if the person in question is willing to attend and his or her attendance is likely to be helpful.

If new facts arise during the meeting that call for further investigation, the employer should adjourn the meeting and carry out the necessary investigation.

Unless the issue is straightforward, the employer should not take a decision in the meeting, but should adjourn the meeting to allow for a thorough consideration of all the information.

Collective Grievances

A 'collective grievance' is a concern shared by a group of employees about the action that a manager has taken, or is considering taking, in relation to their employment; their working arrangements or their environment

The process for managing collective grievances is the same as managing individual grievances with the exception of:

- They can elect a spokesperson to discuss the matter with a union representative from one of the Surrey County Council Trade Unions or a nominated employee spokesperson if they are not trade union members.
- The Trade Union or employee representative will approach the manager on the aggrieved employees, with a view to considering whether the common concerns may be addressed informally using e.g. individual restorative meetings or a team restorative circle.
- Outcomes will be sent to accredited representatives or nominated spokesperson.

Grievance timescales

There are no fixed timelines for the grievance process with the however managers are required to:

- Acknowledge a grievance as early as possible;
- Investigate it within a reasonable timescales;
- Provide updates of progress every two weeks;
- Aim to complete the process within two months. Where this is not possible, the manager is required to write to the employee explaining the reasons for the delay and the expected date of completion.

A table outlining possible timescales for a non complex grievance has been put together for guidance purposes only.

Formal Procedure Timelines – Raising a grievance

Stage	Process/Action	Timescale	Template Documents required	Further requirements
Employee submits Stage 1 grievance form	Manager acknowledges the grievance in writing.	Acknowledge within 5 working days of receipt of form	Template acknowledgement	<p>Can be sent by email or post depending on what is appropriate.</p> <p>Ensure individuals named in the grievance have been informed that a complaint has been made against them. The confidentiality of the grievance process should be respected.</p>
Investigation	<p>Following receipt of the Stage 1 Grievance form, the manager will carry out an investigation.</p> <p>If the grievance involves other members of staff, they will be informed, and given an opportunity to provide their own evidence.</p>	As soon as possible after receiving a grievance	Holding letter, if investigation process cannot be completed before the Stage 1 Meeting	<p>In many cases the investigation will be a relatively straightforward fact-finding exercise. For complex cases, an independent investigation may need to be commissioned at the start.</p> <p>Ultimately, the aim of the investigation is to establish the full facts of the grievance before any decision is taken.</p>

Formal Procedure Timelines –Grievance Stage 1 Meeting

Stage	Process/Action	Timescale	Template Documents required	Further requirements
Invite to Stage 1 Grievance meeting	Receiving manager invites employee to Grievance Stage 1 Meeting	Meeting to take place within 10 working days of receipt written grievance. Employee will be given 5 working days' notice	Grievance Stage 1 invite letter	
Grievance Stage 1 Meeting	Employee explains grievance and how they would like it resolved. Employee has a right to be accompanied by a Trade Union representative or Work colleague	N/A	N/A	The meeting will normally be chaired by the manager who oversees the process, who will need to identify appropriate attendees and arrange for them to be invited to the meeting with reasonable notice- normally at least 5 working days. Manager may adjourn the meeting to gather further information or commission an independent investigation. Employee may be asked to attend a further meeting if necessary

Formal Procedure Timelines – Grievance Stage 1 Outcome and Stage 2 Appeal

Stage	Process/Action	Timescale	Template Documents required	Further requirements
Grievance Stage 1 Written Outcome	The letter will state: <ul style="list-style-type: none"> • Whether the grievance is upheld or not. • Reasons for the decision • Actions • Right to appeal – Stage 2 	Written outcome sent within 5 working days of meeting	Holding letter template	Where it is not possible to respond within 5 working days because, for example, investigatory work is not complete. The manager will give a written explanation. Where there are several elements to the grievance then each element will need to be either upheld or not.
Employee raises Grievance Stage 2 - Appeal	The manager overseeing the appeal will acknowledge receipt of the grievance appeal	Manager acknowledges grievance within 5 working days.	Appeal Meeting invitation letter	They will then need to assess the relevant information, including any investigation report and meeting notes, and make a decision as to whether there is a need for further investigation or fact-finding discussions to take place prior to holding an appeal hearing.

Appeal

Employees have the right of appeal following an outcome at stage 1.

- If an employee wishes to exercise their right of appeal, they must do so by lodging a notice with the appropriate manager stating the grounds of the appeal within 10 working days of being notified of a decision.
- The appeal will be heard by a senior manager, appointed by the Director, who has not previously been involved in the proceedings. The Director will chair any appeal against dismissal. The decision of the chair is final.
- A decision will normally be given verbally and confirmed in writing within five working days of the appeal hearing.

Other helpful bits

This page has useful stuff

Guidance document that includes the following:

- FAQs
- Model Formal Grievance Meeting structure
- Template Letters
- Template Investigators report
- How to... Stage 2 Appeals process
- How to... chair a grievance meeting

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Surrey County Council

Grievance Policy

This Issue	Last Issue	Review Date (reviewed every 3 years)
March 2019	August 2011	February 2022



SURREY

Grievance Policy

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Appendices

Appendix 1 Grievance Procedure

Appendix 2 Grievance Guidance

Policy Scope and Purpose	
Scope and Purpose:	<p>The aim of this policy is to identify what might give rise to a grievance, where to address things that are not grievances and establish a fair, effective and consistent way of dealing with grievances.</p> <p>The policy does not cover collective disputes that are the subject of formal collective bargaining between the Council and its recognised trade unions. A dedicated Collective Dispute Policy is in place to cover those matters.</p>
Start point of the Policy:	The formal grievance resolution procedure should only be used if attempts at informal resolution have not been successful.
End Point of the Policy:	When an outcome/resolution has been achieved either at Stage 1 or Stage 2.
Legislative requirements:	ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice.
Who uses this Policy:	This Policy applies to all Surrey County Council (SCC) employees on Surrey Pay and employees on different terms and conditions in the absence of national conditions, except firefighters and teachers employed by schools.
Roles and Responsibilities:	<ul style="list-style-type: none"> • Line Managers are responsible for implementing the policy in a fair and consistent manner • All employees will be responsible for engaging with and adhering to this policy and procedures • Trade Unions will be consulted in regard to the content of the policy and will be reasonably available to support and represent their members • The Human Resources team will be responsible for providing guidance and direction • All parties will be expected to apply the policy correctly
Is there a procedure attached to this policy?	Yes. The procedure provides a series of steps to be followed in a consistent way.

1. Introduction

- 1.1. Grievances are defined as concerns, problems or complaints that employees raise with their managers. Surrey County Council is committed to creating a positive working environment whereby managers and employees can discuss any problems or concerns openly and deal with them promptly and fairly.
- 1.2. The Council is keen to encourage staff to resolve any issues as quickly, locally, and informally as possible, and has developed a number of positive approaches to resolving differences in a restorative way which range from support from line managers to fairness champions.
- 1.3. The associated Procedure and Guidance will assist those involved of the approach required to handle the grievance resolution process effectively and fairly. This policy should be read alongside the procedure and guidance.

2. General Principles

When dealing with grievances it is important to deal with issues fairly taking into account the principles below:

- a. Managers and employees will raise and deal with issues promptly without unreasonably delaying meetings, decisions or confirmation of those decisions.
- b. Managers and employees are required to engage and cooperate with the process and wherever possible seek informal resolution in the first instance.
- c. Managers will carry out any necessary investigations, to establish the facts of the case.
- d. Employees who are the basis of the complaint will have an opportunity to put their case in response before any decisions are made.
- e. Employees have the right to be accompanied at any formal grievance meetings by a trade union representative or work colleague.
- f. Employees have the right of appeal against any formal decision made.
- g. All are encouraged to take the restorative approach to address conflicts and difficulties at work.

3. Issues that may cause grievances

3.1 There may be a number of issues that give rise to a grievance, which could include but are not limited to:

- The application of a current policy or procedure, terms and conditions of employment etc.
- Health and safety
- Work relations/practices
- Harassment and Bullying
- Discrimination at work.

3.2 In most instances, employees would be expected to exhaust all informal and formal routes (where appropriate) prior to raising a formal grievance. This may not be appropriate in all circumstances e.g. serious matters of bullying, harassment or discrimination.

3.3 In order to enable issues to be resolved promptly; employees will need to specify clearly the concern or complaint that they wish to be addressed.

4. Responsibilities

4.1 Managers will:

- Deal reasonably and promptly with an employee's grievance within the specified timescales
- Treat all complaints seriously and sensitively and respond to complaints without bias
- Ensure that any individuals named in the grievance are advised early in the process about the details of the complaint against them and the requirements of the policy and procedure

4.2 Employees will:

- Be responsible for raising matters of concern with line managers informally (or an alternative senior manager if appropriate) as soon as reasonably practicable to ensure these matters are dealt with quickly and efficiently
- Work with the manager to seek resolution to problems
- Co-operate with any investigations or management action, whether as the complainant, potential witness or a named person in the grievance

4.3 Should an employee occupying the position of Chief or Deputy Chief Officer wish to raise a grievance they should do so via the council's Monitoring Officer, who will oversee the process and update the Leader of the Council (or a Cabinet Member designated by the Leader) on its progress. If a Chief or Deputy Chief Officer wishes to raise a grievance but feels it would not be possible or practicable to do so via the Monitoring Officer, they should discuss the issue with the council's Director of HR & OD. Where appropriate, the Director of HR & OD may be a designated contact.

5. Grievances raised by an employee during another formal procedure.

- 5.1 Where an employee raises a grievance during another formal procedure which is related to issues covered by/investigated under that process; the employee may either raise their concerns as mitigation against any potential sanctions, or the grievance may be considered concurrently as part of a multi-purpose hearing.
- 5.2 Where the concerns raised in the grievance are completely separate to the events covered by/investigated under the other formal procedure, the grievance can be managed completely separately from other proceedings. However, depending on the nature of the grievance and seriousness of the issues raised, management can make a decision to suspend formal proceedings while the grievance is being dealt with.

6. Additional Support

- 6.1 Line Managers or other appropriate managers may provide good support during a grievance process however there are also other positive support networks available in the Council.

6.2 Restorative Network

The Council has a Restorative Network to support employees and managers in resolving differences at work. The restorative approach recognises that the quality of working relationships may be influenced by certain issues or incidents and seeks to provide ways in which colleagues can constructively address these in order to find a positive way forward.

The network includes an internal Mediation service; Local Workplace Fairness Champions, a Coaching Pool, Restorative HR and Restorative Facilitators. Detailed information on those networks is available on s-net.

6.3 Employee Assistance Programme

All Council employees have access to the Employee Assistance Programme who also provide confidential counselling. Further details are on the S-net.

6.4 Trade Unions

Trade unions can offer support to their members who are involved in a grievance resolution process whether they are the employee raising the grievance or a colleague/manager who the grievance is against.

6.5 Wellbeing Assessment

Managers who receive and/or oversee a grievance should consider its well-being implications on the aggrieved employee and, where applicable, to those mentioned in the grievance. Wellbeing assessment tools are available on s-net.

7. Collective Grievance

- 7.1 A 'collective grievance' is a concern shared by a group of employees about the action that a manager has taken, or is considering taking, in relation to their employment; their working arrangements or their environment. The Council's formal procedure applies to collective grievances and enables managers and employees to follow the same formal stages with the exception that aggrieved employees can elect a trade union representative or nominate employee spokesperson.

8. Grievance timelines

- 8.1 The Council expects all stakeholders involved in a formal grievance to act in a way that facilitates and expedites its resolution. The Council also recognises that some grievances are likely to be more complex than others, and that the process can be delayed by unforeseen complications (e.g. in the case of sickness). Consequently, there are no firm deadlines for completing the process, however the manager is required to provide the aggrieved employee with updates on the progress of a case at least every two weeks (up to a maximum of three weeks in exceptional circumstances). Updates will be provided in writing; this can be done by e-mail with the agreement of the employee. The employee may also request for copies of letters or e-mails to be sent to their nominated trade union representative.
- 8.2 If the grievance resolution process is still ongoing two months after the date of the original submission of the grievance, the aggrieved employee may contact the relevant Head of Service, or other appropriately senior manager, and request their intervention. The Head of Service [or other senior manager] will respond to the employee within two weeks, outlining the reasons for the delay and committing to a firm timescale for a final response/resolution.
- 8.3 At the conclusion of a grievance resolution hearing/meeting, the chair will summarise the meeting outcome[s] and any next steps or actions agreed by participants. In some cases, a meeting may need to be adjourned. Where that happens, the chair should clearly communicate their rationale for adjourning the meeting.

9. Partnership working

- 9.1 If the grievance issue impacts on more than one employer, every effort will be made to agree an approach that reflects best practice across the organisations involved. Managers from partner organisations will be expected to implement this policy and associated procedure when they are managing Surrey County Council (SCC) employees, with support from SCC management or HR.

10. Equalities impact and review

- 10.1 HR is responsible for monitoring the impact of this policy on the workforce and ensuring it is not applied disproportionately to certain staff groups. Reports showing the Equality & Diversity breakdown of cases in a Directorate should be shared at least annually with Directorate management teams. The policy will be kept under regular review and amended every 3 years.

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People, Performance and Development Committee
25 April 2019

Appointment of an employer representative of the Local Pension Board

Purpose of the report:

This report sets out the proposed appointment of an individual member of the Local Pension Board for approval by the People, Performance and Development Committee.

The Local Pension Board is a requirement under section 5 of the Public Service Pensions Act 2013, and Regulation 106 of the Local Government Pension Scheme Regulations 2013.

Recommendations:

It is recommended that the proposed appointment of an individual member of the Local Pension Board (Annex 1) is approved.

Introduction:

1. Under the provisions of section 5 of the Public Service Pensions Act 2013 (“the 2013 Act”) and regulation 106 of the Local Government Pension Scheme (LGPS) Regulations 2013 (as amended) (“the Regulations”) each LGPS Administering Authority must establish a new Local Pension Board for the purposes of assisting the Administering Authority in all aspects of governance and administration of the LGPS, including funding and investments.
2. The Local Pension Board is constituted separately to the Surrey Pension Fund Committee which has delegated authority to carry out pensions functions for the Council as the Administering Authority.

3. On 17 March 2015, the Council established the Local Pension Board, and delegated the appointment of members of the Local Pension Board to the People, Performance and Development Committee (PPDC). An appointment panel of officers and Members was established to oversee the recruitment process and produce recommendations for the PPDC.
4. On 17 July 2015 the PPDC appointed the required eight employer and member representatives of the Local Pension Board. One member of the Local Pension Board has now resigned, leaving a vacancy.
5. This report sets out the recommendation of the appointment panel of an individual to fill the current vacancy and asks the PPDC to approve this proposed appointment to the Local Pension Board.
6. The role of the Local Pension Board, the constitution of its membership and the roles and responsibilities of the Board members are set out in the Local Pension Board terms of reference. It is expected that each Local Pension Board member so appointed will serve for the life of the current Surrey County Council, which will continue until spring 2017. Appointments can be extended for further periods subject to re-nomination.

Financial and value for money implications

7. The cost of provision of democratic support to the Board will be contained within existing resources, and therefore will not be an additional cost to the Council. Any additional expenses will be borne by the administration cost centre of the Pension Fund and must be approved by the Director of Finance.

Equalities and Diversity Implications

8. The establishment of the Board is a statutory requirement. There are no specific equality implications arising from these appointments.

Risk Management Implications

9. All risk related issues related to the appointment of Board members are managed within the Board's terms of reference, as agreed by Council on 17 March 2015 and amended by the Pension Fund Committee on 18 September 2015.

Next steps:

The next public meeting of the Local Pension Board will be organised prior to the end of July 2019, following the appointment of the new Board member.

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Sources/background papers:

Public Service Pensions Act, 2013

Local Government Pension Scheme (LGPS) Regulations, 2013

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THE SURREY LOCAL PENSION BOARD

RECOMMENDATION TO THE PEOPLE, PERFORMANCE & DEVELOPMENT COMMITTEE FOR THE APPOINTMENT OF A MEMBER REPRESENTATIVE OF THE LOCAL PENSION BOARD



1. **Appointment of Local Pension Board members**

- 1.1 Appointment of Local Pension Board members is carried out by the People, Performance and Development Committee following recommendations from the Appointment/Termination panel.
- 1.2 The Appointment/Termination panel overseeing the process consist of the following representatives of the Administering Authority:
- The Chairman of the Pension Fund Committee;
 - The Director of Finance (or her nominee);
 - The Strategic Finance Manager – Pension fund and treasury;
 - The Director of Legal & Democratic Services (or her nominee).
- 1.3 The requirement is to appoint employer representatives as follows:
- 2 x Surrey County Councillors;
 - 2 x representatives to come from nominations from other employers (e.g. District, Borough and Parish Councils, Academies, Police and other scheduled, designated or admitted body employers in the Surrey Pension Fund).
- 1.4 The requirement is to appoint member representatives as follows:
- 1 x GMB nominated representative;
 - 1 x Unison nominated representative;
 - 2 x other member representatives.
- 1.5 Any independent representatives will be directly appointed by the Appointment Panel through an open and transparent process.
- #### 2. **Appointment of the Chairman and Vice Chairman of the Local Pension Board**
- 2.1 Appointment of the Chairman and Vice Chairman of the Local Pension Board is be carried out by the People, Performance and Development Committee on the recommendation of the Appointment/Termination panel.

3. The Constitution of the current Local Pension Board

3.1 The current Employer representatives are:

- 2 x Surrey County Councillors:
 - Cllr Nick Harrison
 - Cllr Graham Ellwood
- 2 x representatives to come from nominations from other employers (e.g. District, Borough and Parish Councils, Academies, Police and other scheduled, designated or admitted body employers in the Surrey Pension Fund):
 - Paul Bundy (Surrey Police)
 - Vacant

3.2 The current member representatives of the Local Pension Board are:

- 1 x GMB nominated representative:
 - Tina Hood
- 1 x Unison nominated representative:
 - Paresh Rajani
- 2 x other member representatives:
 - David Stewart
 - Trevor Willington

3.3 The requirement for independent representatives of the Local Pension Board is regularly reviewed by the newly formed Local Pension Board. There are no appointments at this stage.

3.4 The current Chairman of the Local Pension Board is:

- Cllr Nick Harrison

3.5 The current Vice Chairman of the Local Pension Board is:

- Cllr Graham Ellwood

3.6 The Appointment panel recommends:

- that Claire Williams-Morris membership of the Local Pension Board is terminated for the following reasons:
 - no longer being able to demonstrate to the Scheme Manager their capacity to attend and prepare for meetings or to participate in required training or otherwise to carry out the requirements of the role appropriately;

3.7 The appointment panel further recommends for the vacant employer representative of the Local Pension Board to the People, Performance and Development Committee:

- 1 x employer nominated representative:
 - Katy Meakin (Waverly Borough Council)