



General Purposes Committee
26 March 2018

**Report from the Director of Legal and
HR Services**

**Cover Report: Employee Performance Management Policy and
Procedure**

Wards Affected:	All
Key or Non-Key Decision:	Non-Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	One: <ul style="list-style-type: none"> • Employee Performance Management Policy and Procedure
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Debra Norman Director of Legal and HR Services Email: debra.norman@brent.gov.uk Tel: 020 8937 1578

1.0. Purpose of the Report

- 1.1. The Council's Capability Policy and Procedure was last reviewed in April 2014. As part of a regular review of HR policies, it was recognised that the policy was not widely used, one of the reasons being that it takes a long time for an employee to be taken through it.
- 1.2. This report recommends changes to the Capability Policy and Procedure. It is proposed to rename it to Employee Performance Management Policy. It is expected, through application of the relevant Council policies (including this one) that performance management will come to be seen as part of day-to-day management, with additional support and guidance provided for employees who are having difficulty in fulfilling the duties of their role, rather than as a punitive process.

2.0. Recommendation

- 2.1. To approve the Employee Performance Management Policy set out in

Appendix A.

3.0. Detail

- 3.1. The Employee Performance Management Policy has been through extensive consultation with comments sought from HR DMT, HR Advisers, Legal, Trade Unions and the HR Consultation group (Heads of Service) to ensure that all stakeholders had an opportunity to comment on those aspects of the policy which they felt were not working effectively.
- 3.2. As a result of this extensive review, it is expected that there will be a common understanding with consistent application and advice given on the application of the policy. A training workshop is being developed, together with a suite of template letters for use by managers in addressing performance issues, to accompany the relaunch of the policy.
- 3.3. There is a strong emphasis in the revised policy on the role of managers to monitor and manage the performance of their staff as part of their day-to-day management responsibilities and the benefits that good performance management can have for the employee and the Council. This should begin when the employee joins the Council with corporate and departmental induction, initial objective setting, supervision, one to one meetings and appropriate training and development. This should continue throughout the employee's employment with Brent.
- 3.4. The Employee Performance Management Policy addresses the issues to be considered when an individual is struggling to fulfil the duties of their role primarily as a result of a lack of knowledge or skills. The management of under-performance requires commitment from both the employee and the line manager.
- 3.5. In addition to the emphasis on performance management being a continuous process, the revised policy removes what is currently described as the informal stage in the Capability Policy. Managers are expected to work with employees to address issues as they arise through one-to-one support meetings. If they have worked through the problems informally in this way and the employee is still unable to meet the required standards, the Employee Performance Management Policy introduces a two stage formal review process.
- 3.6. Stage 1 is designed to set out formally where the employee is failing to perform and put in place an improvement plan setting out the issues giving cause for concern, both the employee's and the manager's responsibilities in addressing those concerns, expected outcomes and timescales.
- 3.7. Employees who are unable to improve their performance to the required level following a Stage 1 meeting will be escalated to Stage 2, at which point consideration will be given to whether there is the potential for improvement if a longer timescale were to be allowed, whether demotion or redeployment may be appropriate or if the employee's employment should be terminated on the grounds of lack of capability.

4.0. Financial Implications

- 4.1. There are no direct financial implications.

5.0. Legal Implications

- 5.1. The policy cross references relevant Council policies and Codes of Practice, which should be taken into consideration when addressing under-performance. By following the steps outlined in the policy, any dismissal on the grounds of capability should be defensible in the case of legal challenge.

6.0. Diversity Implications

- 6.1. The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.2. Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 6.3. The policy contained in Appendix A incorporates actions to comply with the requirements of the Equality Act 2010. In particular managers are required to take advice from Human Resources if any of the protected characteristics are impacting on performance issues.

Report sign off:

DEBRA NORMAN

Director of Legal and HR Services