

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive
Date of Meeting:	4 January 2023
Subject:	Review of Capability Policy
Report of:	Head of Corporate Services
Head of Service/Director:	Chief Executive
Lead Member:	Lead Member Organisational Development
Number of Appendices:	Four

Executive Summary:

An annual report on policies and strategies that are due for review during 2022/23 was presented at Overview and Scrutiny Committee on 7 June 2022. The Capability Policy was one of those identified for review and in the supporting commentary it was indicated it would be subject to fundamental change. Given this change, Overview and Scrutiny Committee expressed an appetite to review the policy prior to consideration by Executive Committee. Terms of Reference and the holding of a Member session to develop a new policy were agreed at Overview and Scrutiny Committee on 12 July 2022.

Subsequently two sessions were held on 23 August and 6 October 2022 and it was agreed by Overview and Scrutiny Committee on 22 November 2022 that the policy should be recommended to Executive for approval.

Appended to this report is the current Capability Policy (Appendix 1), the Terms of Reference for the review (Appendix 2), the new draft Supporting Performance Policy (Appendix 3) and associated Supporting Performance Guidance document (Appendix 4).

Recommendation:

To APPROVE the policy.

Financial Implications:

None directly arising from this report.

Legal Implications:

Although there is no statutory requirement to have a policy in place, having a policy in place ensures that any requirements and procedures are clear and applied and used fairly and consistently across the organisation. This can reduce the risk of claims against the organisation.

Environmental and Sustainability Implications:

None directly arising from this report.

Resource Implications (including impact on equalities):

Effective workforce performance management will contribute to overall value for money and a clear policy will reduce the risk of legal issues including those in relation to equalities.

Safeguarding Implications:

None directly arising from this report.

Impact on the Customer:

This policy will support the effective operation of the Council and support improved and sustained high performance. Therefore, whilst the policy does not directly impact on customers, they will benefit from the implementation of this policy.

1.0 INTRODUCTION

1.1 The Council's current Capability Policy is due for review. As explained in the Executive Summary, Members of Overview and Scrutiny Committee expressed an appetite to review the new policy prior to consideration by Executive Committee. Two Member sessions have been held to support review of the old Capability Policy and development of a new Supporting Performance Policy. Overview and Scrutiny Committee recommended the policy to Executive for approval on 22 November 2022.

2.0 REVIEW OF CAPABILITY POLICY

2.1 The review of the capability policy is an action within the Human Resource and Organisational Development (HR & OD) team's service plan. The Council has a commitment to assist employees to achieve and maintain a high standard of performance in their work. The policy is a means of encouraging employees to improve performance wherever possible, providing a transparent process to support managers in addressing capability issues and opportunities for conversations to take place.

2.2 The HR & OD team are keen for the policy to be effective as possible, ensuring it meets the business needs of the Council whilst positively supporting staff. The current policy can be slightly cumbersome in parts, for example with too many formal stages and there is the ability to streamline certain stages. The balance between formal and informal process will be reviewed as the informal stage of the current policy operates like a formal stage. It potentially escalates what should be a normal management discussion about areas which need to be addressed into a process, which feels much more punitive very quickly.

2.3 The Member sessions were well attended by Overview and Scrutiny Members with helpful discussions around performance leading to the development of the new policy.

2.4 Key elements of the new Supporting Performance policy are:

- Provides a clear framework for employee setting performance standards, and sets this within the broader picture of organisational objectives, team objectives and then personal objectives as set through the Personal and Professional Development process.
- Emphasis on dealing with performance issues as part of normal management discussions before escalation to the formal stages, as being the most effective and fairest approach to supporting performance improvement.

- Streamlines process to provide a clear and ACAS guidance compliant process of escalation where this is necessary, including providing flexibility for rapid progression where the scale/impact of the issue warrants that.
- Uses language which is appropriate to a positive approach to effectively addressing performance issues, for example reflected in the policy title change from Capability Policy to Supporting Performance.
- Makes better use of Member time by focusing Member involvement in process to only the most senior roles within the Council.

3.0 CONSULTATION

3.1 Legal review took place on 29 September 2022.

Management Team has been consulted on 10 October 2022.

The Council's trade unions have been consulted on 19 October 2022.

Any agreed amendments following these consultations have been made.

4.0 ASSOCIATED RISKS

4.1 The Council must have an effective way of managing performance amongst staff. If it does not there is a risk of falling performance and associated loss of morale, productivity, service delivery etc. This policy reduces those risks and the legal issues associated with addressing them.

5.0 MONITORING

5.1 Management Team will review usage of the policy as part of their quarterly HR statistics review.

The policy will be reviewed on a triannual basis as part of the policy review schedule overseen by Overview and Scrutiny Committee.

6.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

6.1 Policy and Strategy review document

Supporting Attendance Policy

Background Papers: [ACAS Code of Practice](#)

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Appendices: Appendix 1 – Current Capability Policy.
Appendix 2 – Terms of Reference Document.
Appendix 3 – Draft Supporting Performance Policy.
Appendix 4 – Draft Supporting Performance Guidance.