

Date of issue: Monday, 13 March 2023

MEETING	EMPLOYMENT & APPEALS COMMITTEE (Councillors Ali (Chair), Bal, Ajaib, Basra, M. Bedi, Gahir, Grewal, Qaseem and Smith)
DATE AND TIME:	TUESDAY, 21ST MARCH, 2023 AT 6.30 PM
VENUE:	COUNCIL CHAMBER - OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EL
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	MADELEINE MORGAN 07736 629 349

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



STEPHEN BROWN
Chief Executive

AGENDA

PART 1

AGENDA
ITEM

REPORT TITLE

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APOLOGIES FOR ABSENCE

CONSTITUTIONAL MATTERS

1. Declarations of Interest

-

-

All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 9 and Appendix B of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
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4.	Recruitment Direction Report	31 - 40	-
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It is recommended that the press and public be excluded from the meeting during consideration of the item in Part 2 of the Agenda, as it involves the likely disclosure of exempt information relating to individuals as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (Amended).

PART II

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Press and Public

Attendance and accessibility: You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before any items in the Part II agenda are considered. For those hard of hearing an Induction Loop System is available in the Council Chamber.

Webcasting and recording: The public part of the meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The footage will remain on our website for 12 months. A copy of the recording will also be retained in accordance with the Council's data retention policy. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

In addition, the law allows members of the public to take photographs, film, audio-record or tweet the proceedings at public meetings. Anyone proposing to do so is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.

Emergency procedures: The fire alarm is a continuous siren. If the alarm sounds immediately vacate the premises by the nearest available exit at either the front or rear of the Chamber and proceed to the assembly point: The pavement of the service road outside of Westminster House, 31 Windsor Road.

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Employment & Appeals Committee – Meeting held on Thursday, 22nd December, 2022.

Present:- Councillors Ali (Chair), Bal (Vice-Chair), Ajaib, M. Bedi, Gahir, Grewal, Qaseem and Smith

Apologies for Absence:- Councillor Basra

PART 1

19. Declarations of Interest

Councillor Bal declared that his daughters worked for Slough Borough Council.

20. Minutes of the Meeting held on 12th October 2022

Resolved – That the minutes of the meeting held on 12th October 2022 be approved as a correct record.

21. Gender Pay Gap Report

The Chair asked Members if they would agree to change the Agenda order so that the Update on Performance Management for Chief Officers (Agenda Item 5) could be presented and discussed as the last report on the Agenda (Agenda Item 7) in order to then move straight into Part II of the Agenda, as this Agenda Item contained exempt information. Members agreed to this.

The Diversity and Inclusion Manager introduced the Gender Pay Gap report, which presented Members with the 2022 Slough Borough Council statutory gender pay gap figures. It was explained that the figures provided in the report were based on a snapshot date of available payroll data on 31 March 2022. The annual gender pay gap figures for Slough Borough Council for 2022 had to be published by 30 March 2023.

Questions from Members mainly concerned the fact that although the Council's gender pay gap figures were positive overall, there was still a disproportionate number of men compared to women in senior management positions, and the recent and ongoing recruitment campaigns could and should be doing more to address this imbalance. Officers acknowledged that the gender pay gap increased as the age, and seniority, of employees increased, this was the case nationally across UK organisations. Nevertheless with the remainder of the senior management restructure, and other departmental restructures such as finance, there was the possibility that some of this balance may be redressed.

Members also asked about the opportunities for internal progression and career development support for existing Council employees. The Associate Director, HR, explained that the appraisal process was currently being

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overhauled with personal development plans for all staff recently launched and the Workforce Development Team would be putting together data and looking at the career development process, including at senior management level.

At the conclusion of the discussion the Chair and Members were appreciative of the work that had been done in this area, while also noting that the current senior management structure could be more representative of the community it served in terms of both gender and diversity.

Resolved – That the Committee reviewed and noted the Gender Pay Gap Report 2022.

22. Update on Temporary Workers

The Employee Relations and Policy Manager outlined the main points of the Temporary Workers report, which Members were requested to note. The report covered the Q2 period (1 July 2022 to 30 September 2022). Expenditure on temporary workers for this period was £4.81 million.

The Employee Relations and Policy Manager also clarified that the reference to 'section 14' in the last paragraph on page 29 of the report should read 'section 114'.

Concern was expressed by Members over some of the comments from Slough Borough Council leavers which were quoted in the report, as a number of these were very negative. Officers acknowledged and agreed that these should be noted and lessons learned where necessary, but also asked Members to bear in mind the circumstances of staff leaving in some instances, (eg in cases of dismissal) which could have a bearing on the tone of the comments.

Members asked what the Council were doing in terms of improving staff benefits and wellbeing, in order to try to prevent employees wishing to leave. The new Chief Executive's workshops for all staff were welcomed, but also questions raised on whether more junior staff would feel able to speak openly and freely in such forums. There were also concerns expressed by some Members that they were aware of staff and management conflicts which still existed in some instances. Officers noted these valid points, and explained that the Chief Executive would also be holding smaller, more informal sessions for staff. Staff surveys were also planned in order to try to get open and direct feedback from all staff, and that HR were already hearing from more staff at all levels of the workforce.

Other questions raised included queries on the budget figures given and the effect of the high number of agency staff reductions in Q2 on the directorates involved, and on residents. In terms of budget figures the Employee Relations and Policy Manager explained that while there had been an increase in spend on temporary workers in July 2022 due to specialist roles and customer

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service advisor roles, which were needed to meet high service demand. There had then been a decrease in agency spend during August and September. In terms of the effects of agency staff reductions on directorates and residents, the officer agreed to look at statistics for this and bring back further details to the next meeting.

At the conclusion of the discussion the Chair thanked officers for the increase in detail and analysis contained in the Temporary Workers report.

Resolved – that the contents of the report be noted.

23. Pay Policy Statement Update 2023/24

The Associate Director, HR, outlined the main points of the report, which provided Members with an update of the Pay Policy Statement for the year 2023/24 as requested by the Localism Act 2011. The information on Remuneration of Chief Officers presented in the table in paragraph 2 of Appendix A of the report included new posts created in the senior management restructure in July 2022.

The Associate Director also clarified that the information given in paragraph 4, page 58 of the report, on the 'Relationship between the Remuneration of Chief Officers and our lowest paid employees' would need to be updated and this information would be provided in due course.

Members' main concerns were on the number of Chief Officers and senior staff positions which were currently covered on an interim or agency basis, at a very high daily rate, and suggested that getting these posts filled substantively should be a top priority. The Associate Director noted and acknowledged this, and confirmed that 2 of the positions were currently undergoing a recruitment process, and that the intention was to get all positions filled substantively if possible.

Resolved – That the Committee approved the Pay Policy Statement 2023/24, and to be formally approved by full council for publication. Also to delegate authority to the Monitoring Officer to make amendments to the draft pay policy for submission to full council to reflect any new appointments to Chief officer roles.

24. Senior Management Restructure Report

The Associate Director, HR, introduced the report, which gave an update on progress made in recruitment to the senior management structure. The report detailed a number of senior appointments which had been made in the past 2 months. It also outlined that the two vacant posts of Chief Operating Officer and ED Strategy would be deleted (with no impact to staff as both positions were currently vacant) and merged to create a new Executive Director role called ED Strategy and Improvement.

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The Associate Director also drew Members' attention to the 'Commissioner Review' paragraph on page 1 of the report, highlighting that the comments made by Commissioners on the report showed that they shared some of the concerns previously expressed by the Committee, regarding the need to improve programme and performance management processes at all levels of the council in addition to the new senior management structure.

Some Members questioned where accountability would now lie with the new senior management structure and Chief Executive role. It was explained that this would be covered in the next report to follow; the Update on Performance Management for Chief Officers, with the appraisal process of the Chief Executive detailed within the report.

Resolved – That the Committee agreed to:

- Note the contents of the report
- Approve the changes to the chief officer structure proposed
- Recommend this to full council for approval and the constitution be amended accordingly
- Authorise the Chief Executive to make any further minor changes to the structure
- Authorise the Monitoring Officer to make the necessary consequential changes to the Constitution.

25. Update on Performance Management for Chief Officers

The Monitoring Officer introduced the report, which had 2 appendices, the first of which detailed exit arrangements for chief officers and would be dealt with in Part II of the Agenda. The second appendix detailed the appraisal process for the Chief Executive.

As set out in the report, the Chief Executive needed to be appraised to ensure that their performance was formally reviewed on a regular basis. The purpose of the appraisal was to help maximise the Chief Executive's job performance, and share the objectives agreed to relevant stakeholders.

Questions from Members mainly concerned the role of the independent panel member who would sit in on the appraisal process, why they were needed, what their exact role and background would be, and where accountability to Slough residents would ultimately lie. The Monitoring Officer and Associate Director HR explained that it could be advantageous to have an external person involved in order to be able to hold the Chief Executive to account by giving a sense of reality and wider perspective to proceedings, and keeping up with current best practice. In answer to the question on accountability, the Monitoring Officer explained that the appraisal panel would be chaired and run by Members, who represented all residents of Slough, which was why it would be important to also have opposition Members sitting on the panel. It was envisaged that the appraisal process would be annual, with regular reviews in between, the frequency of which could be decided by the panel.

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Resolved – That the Committee reviewed and approved the new appraisal process for the Chief Executive as set out in Appendix 2.

26. Attendance Record

Resolved – That details of the Members' Attendance Record 2022/23 be noted.

27. Date of Next Meeting - 21st March 2023

The date of the next meeting was confirmed as 21st March 2023.

28. Exclusion of Press and Public

Resolved – That the press and public be excluded from the meeting during the consideration of the item in Part II of the agenda as it involved the likely discussion of exempt information relating to the financial and business affairs of any particular person (including the authority holding that information) as defined in paragraph 3 of Part I the Schedule 12A the Local Government Act 1972.

The following is a summary of the matters considered during Part II of the agenda.

29. Update on Performance Management for Chief Officers - Appendix 1

Resolved – That the Committee reviewed and noted Appendix 1.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.26 pm)

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Slough Borough Council

Report To:	Employment and Appeals Committee
Date:	21 March 2023
Subject:	HR Policies and Procedures: Grievance Policy and Procedure
Chief Officer:	Sarah Hayward, Executive Director - Strategy, and Improvement
Contact Officer:	Surjit Nagra, Associate Director HR / Dipak Mistry, Employee Relations & Policy Manager
Ward(s):	All
Exempt:	NO
Appendices:	Grievance Policy and Procedure

1. Purpose of Report:

The purpose of this report is to seek approval on the revision to the Grievance Policy and Procedure – attached in Appendix 1. The committee is requested to note the key changes that have been made.

2. Recommendation

The committee is recommended to approve the revised Grievance Policy and Procedure.

The revised policy supports the organisation's commitment to positive employee relations. The key changes will support the council towards enabling improved trust and confidence between managers and employees.

Commissioner Review

It is essential that there are clear and appropriate policies and procedures in place to support individuals and managers in the effective running of the organisation. It is essential that once approved, there is an appropriate communication and training programme to raise awareness of the new procedures with staff.

3. Report

Introductory paragraph

The councils HR policies and procedures provide guidance on how to deal with a range of employment issues for employees, managers, and others with responsibility for supporting SBC's workforce. The policies provide practical and effective guidance to

ensure consistency and transparency for employees and managers, helping to enhance the psychological contract and work towards building a positive organisational culture.

The revision to the policy and procedure covers:

- Compliance with changes to current employment legislation and statutory provisions
- Supports the council’s governance and statutory practices.
- Incorporates changes to reflect best practice.
- Amendments made to ensure clarity for all managers and employees.
- Policy changes to encourage working in a collaborative way.
- Incorporates any lessons learnt from casework.

3.1 HR Policy Panel Review and Consultation

The Grievance Policy and Procedure review was conducted by South East Employers Organisation who produced a revised draft taking into consideration best practice and legislative changes. Following this, consultation with key stakeholders commenced which included Trade Unions and Management representatives nominated from Directorates through a Review Policy Panel. Comments were also elicited from the staff network groups including the Women’s Network, REACH (Race Equality and Celebrating Heritage Network); and the Disability Group. Comments and feedback from the stakeholders have been incorporated and agreed into the final draft.

In addition to the above, an Equality Impact Assessment (EIA) has also been completed.

4. Summary of key changes Grievance Policy and Procedure

4.1 The table below summaries the key changes:

Policy Document	Changes	Rationale
<p>Grievance Policy and Procedure</p> <p>A separate supplementary guidance will be available for undertaking investigations</p>	<ul style="list-style-type: none"> • Overall document has been reduced to provide clarity and navigation. Part of ACAS best practice and legislation • Sections 1- 5 [Overall statement, aims and scope, principals simplified] • Section 3.1 Clarity on reasons for grievance can be raised. • Section 4.4 Probationary period amended to make clear about using informal approach and not formal grievance. • Section 6 – New Flow charts from Informal to appeal process. 	<ul style="list-style-type: none"> •Lessons learnt from ER cases where cases previously went into the formal stages. •Builds stronger confidence in working relationships between staff and managers. •Reduction in Staff Side and management time •Staff moral and impact on wider team during investigation and disruption to service delivery is reduced. •Previous policy section was not clear on using informal approach during review meetings.

	<ul style="list-style-type: none"> • Section 7 – New Informal resolutions added to provide clarity on raising concerns and how informal resolution will be sought emphasis on informal resolution is attempted before progressing to formal routes. • Section 16: Timescales – revised section to provide clarity on process to complete grievances more quickly. 	<ul style="list-style-type: none"> • Enable both employee and managers and staff to navigate with ease. • Encourages communication between employee and managers to improve employee relations in the teams. • Lessons learnt some complex investigations have longer to resolve.
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5. Financial Implications

There are no financial implications associated with implementation of this revised policy. However, if the procedure was not followed correctly, this could result in an employee taking action through the employment Tribunal route. This inevitably cost the organisation of defending the claim.

6. Environmental implications

There are no anticipated environmental implications.

7. Risks

HR Policies and Procedures provide good governance in supporting the council employees and managers to maintain positive employee relations. The key risk for the council is mitigated through effective policies and procedures.

8. Equality implications

The equality impact assessment has been undertaken to consider that there are no negative implications for any employees of the council. The revised changes would be equally applied in a fair and consistent manner to all staff.

9. Conclusion

The revised policy will be under pinned by training programme to ensure that managers and employees fully understand how to resolve issues in the workplace before invoking a formal grievance.

Background Papers

Appendix 1 – Draft Grievance Policy and Procedure

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Policy Schedule		
Policy owner and lead	HR Service: Employee Relations and Policy Manager	
Consultation	Trade Unions	09.02.2023
	Staff Network Groups	14.02.2023
	Corporate / Senior Leadership Team	01.03.2023
	Corporate Consultative Forum	April 2023
	Employment & Appeals Committee	21 March 2023
Equality Impact Assessment	Christine Ford	08.02.2023
Approving body	Employment & Appeals Committee	
Date of approval		
Date of implementation	March 2023	
This version number	v. 9 - February 2023	
Last version	v.8 - 1 September 2020	
Related documents	Dignity at Work Code Code of Conduct Stress and Wellbeing code	
Review interval	Three yearly minimum or as required (January 2025)	

Appendix 1 – Draft Grievance Policy and Procedure

Policy approval and review and version control

Policy version	DM/HR POLICY/Grievance Policy and Procedure
Title	GRIEVANCE POLICY AND PROCEDURE
Consultation with Management HR Policy Panel Review	09 January 2023
Approved by EAC	21.03.2023
Approved by CCF	April 202301
Approved by UNIONS	09.02.2023
Approved by Executive Management	01.03.2023
EIA completed CF	8 January 2023
This document replaces	Version v8 – September 2020
Last version	v.8 - 1 September, 2020
Release date	
Next Review date	January 2025
Author(s)	Employee Relations and Policy Manager
File path	X/HR Advisory/ Master Policies
Distribution	All staff and Managers; Available Insite
What changes	See below

Version	Author	Date	Changes
Drafts V7.1 – 7.3	MH	July 20	ACAS guidance added support worker added New job titles. Timeframes and deadlines revised.
Draft Version 7.4	MH	01.09. 20	ACAS guidance added support worker added New job titles. CCF approval
Final V8	MH	01.09.20	As 7.4 above – to EAC.
Draft Version 2 Revised Policy	DM	9.02.23	Overall document has been reduced to provide clarity and navigation. Part of ACAS best practice.
	DM	9.02.23	Sections 1- 5 [Overall statement, aims and scope, principals simplified
	DM	9.02.23	Section 3.1 Clarity on reasons for grievance can be raised
	DM	9.02.23	Section 4.4 Probationary period amended to make clear about using informal approach
	DM	9.02.23	Section 6 – New Flow charts from Informal to appeal process
	DM	9.02.23	Section 7 – New Informal resolutions added to provide clarity on raising concerns and how informal resolution

Appendix 1 – Draft Grievance Policy and Procedure

			will be sought emphasis on informal resolution is attempted before progressing to formal routes.
	DM	9.02.23	Section 16: Timescales – what staff and managers can expect, to reduce timeliness of investigations to be completed.

Draft

Appendix 1 – Draft Grievance Policy and Procedure

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Grievance Policy and Procedure

1. Policy Statement

- 1.1. Slough Borough Council is committed to creating a work environment where everyone is treated with dignity and respect. We foster a culture in which you can raise any workplace problems, complaints or concerns in a supportive framework, and we will ensure that all genuine grievances are dealt with promptly and fairly.
- 1.2. The council is committed to encouraging free and open communication between employees and their managers to positively support early informal resolution of concerns.
- 1.3. This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

2. Aim of Policy

- 2.1. The aim of this policy is to provide a framework for resolving grievances and disputes in a fair, reasonable, timely and consistent manner at the earliest possible stage to resolve informally and close to the point of origin as possible.
- 2.2. This policy therefore encourages proactive and meaningful discussions to take place at the informal stage of this policy, and encourages employees to talk to the immediate line manager. The formal procedure should be a last resort after all efforts to manage the issues informally have been exhausted.

3. Overview

- 3.1. Grievances may be concerned with a wide range of issues, for example:
 - Working conditions or environment or operational management procedures
 - Employment rights
 - Terms and conditions
 - The way you are managed
 - New working practices
 - Unfair treatment
 - Opportunities for career development
- 3.2. This Grievance procedure cannot be used to raise concerns relating to outcomes from other council policies and procedures where a route of appeal exists within that policy.
- 3.3. Collective Grievances, raised by Trade Unions, are dealt with under the council's Collective Grievance Policy and Procedure.

4. Scope

- 4.1. This policy and procedure apply to all employees of the Council with the exception of schools based employees who are under the control of Governing Bodies.
- 4.2. The Chief Executive, Section 151 and Monitoring Officers may raise their concerns under this policy. However, where a concern is raised about one of these posts that may result in disciplinary action of dismissal being considered, a separate procedure applies.

Appendix 1 – Draft Grievance Policy and Procedure

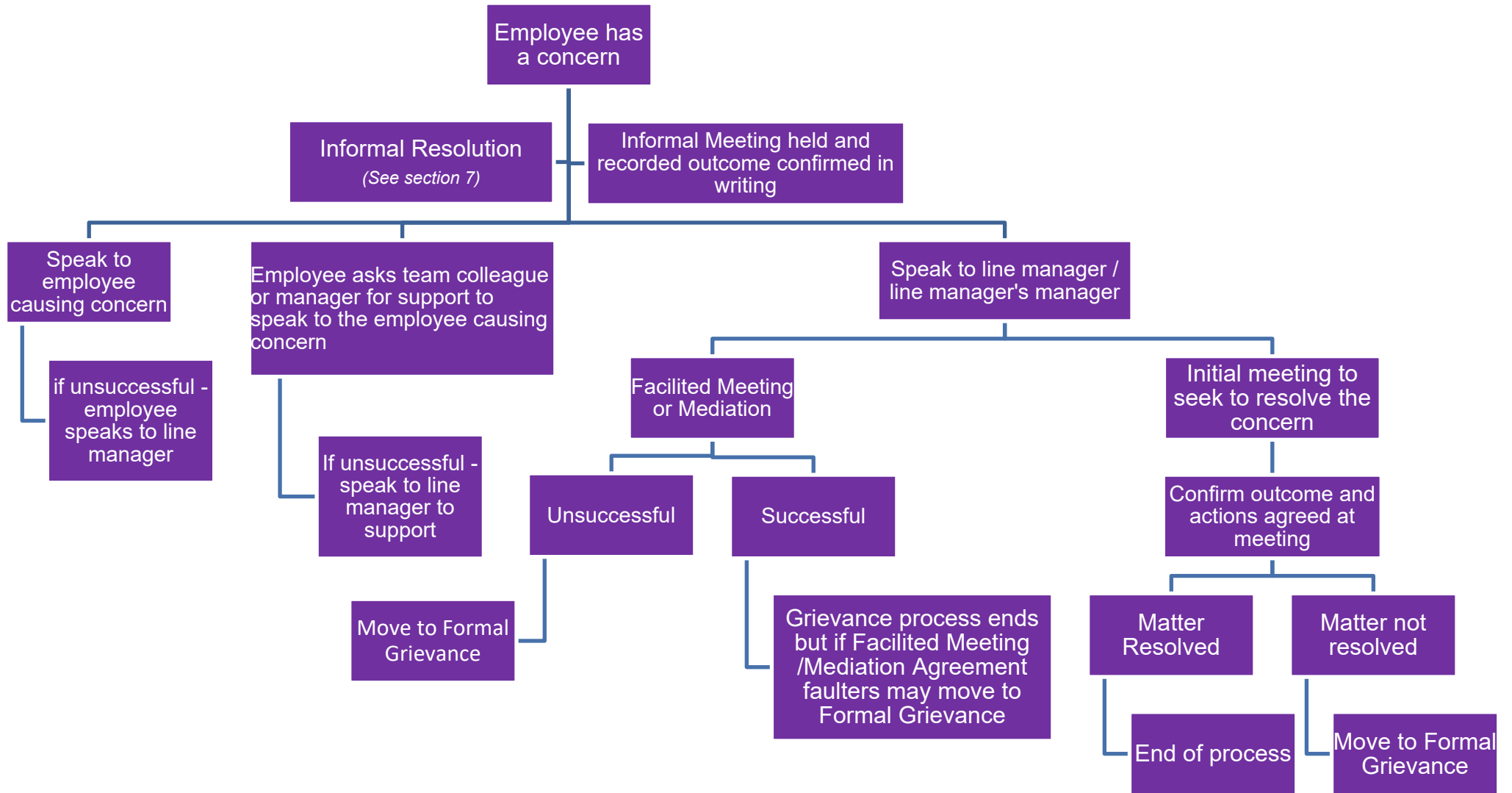
- 4.3. This policy applies equally to individual grievances and a grievance raised by a group of employees, in which case the group must elect one of their number to act as spokesperson and follow the procedure on behalf of the group.
- 4.4. Employees in their probationary period may use this procedure to raise their concerns. However, no extension of any notice of termination of employment under the probation procedure will be granted. In addition, where the concern relates to the application of the probation procedure, this will be dealt with informally as part of any meetings and discussions or hearing under the probationary procedure not under this policy.
- 4.5. Where an employee who has left the council's employment wishes to raise a grievance, they must do so within three months of their last day of service.

5. Principles

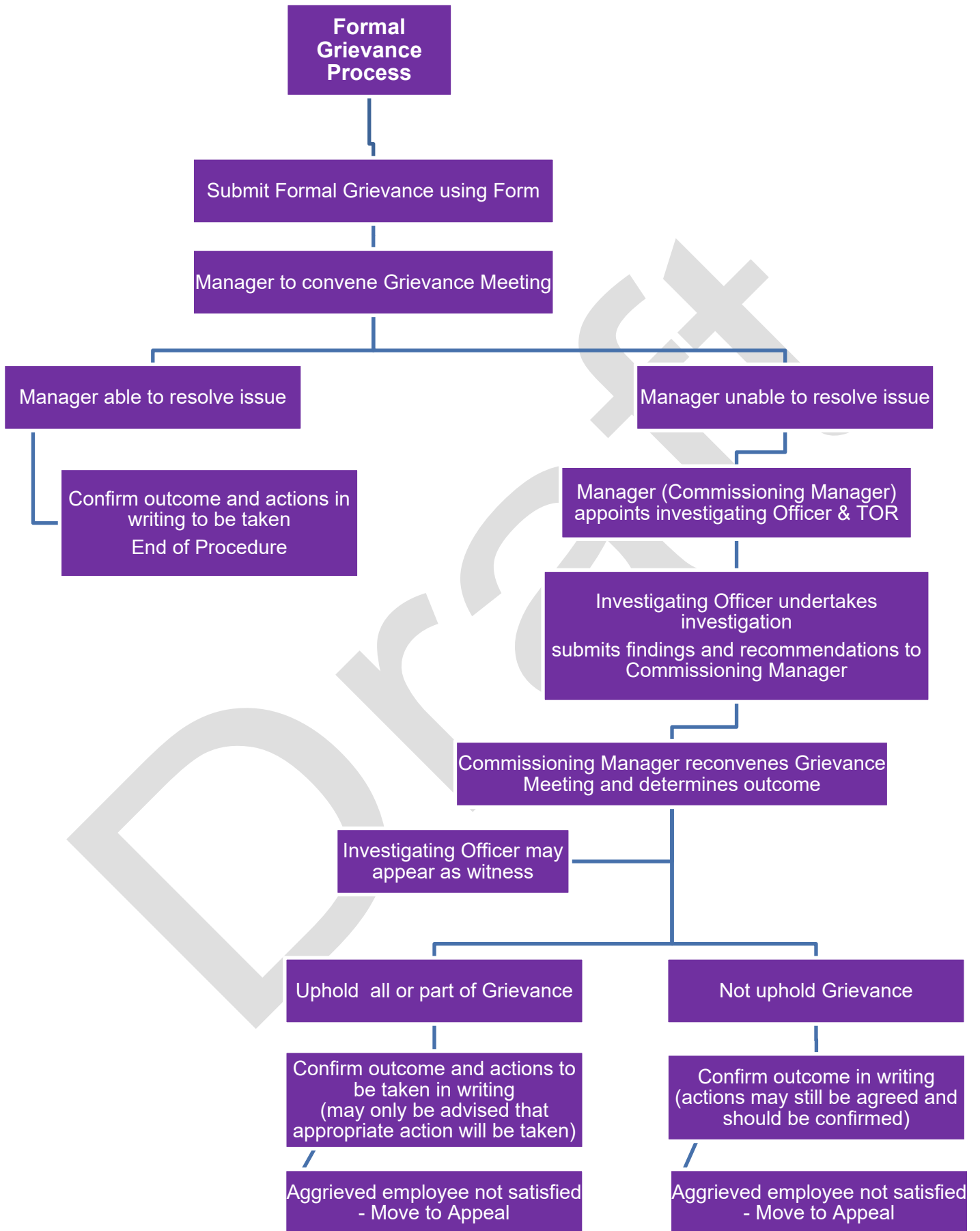
- 5.1. All employees must make every effort to always treat others with respect and dignity. Employees must raise their concerns with immediate line manager in the first instance as early as possible to seek an early resolution, via the informal route in the first instance, progression to formal will only take place once the informal attempts to resolve a grievance has been satisfied.
- 5.2. Managers will maintain an awareness of the relationships between members of their team to identify potential conflict early with the aim of preventing escalation wherever possible. To deal with any concerns that are raised with them in a timely and respectful way. In line with Dignity at Work Code.
- 5.3. Managers must ensure that employees who raise complaints, and employees who have complaints raised against them, receive the support they need throughout the procedure. Also, to ensure no retaliation or inappropriate behaviour towards them, including against the employee raising their complaint.
- 5.4. All parties will treat any concerns raised in the strictest of confidence.
- 5.5. All parties may find the grievance procedure stressful and upsetting. Everyone involved in the process is entitled to be treated calmly and with respect and everyone may access support through Slough Borough Council's Employee Assistance Programme.
- 5.6. All parties are encouraged to work through any concerns using informal resolution stages and should make every effort to explore all options, including facilitated meeting or mediation, for resolving the matter informally in the first instance before moving to the formal stage of this procedure.
- 5.7. Abusive or insulting behaviour will not be tolerated from anyone taking part in the grievance procedure. Any such behaviour will be treated as misconduct under the Disciplinary Policy and Procedure and in line with the Dignity at Work Code.
- 5.8. No changes will be made to working or management arrangements during the grievance procedure unless exceptional circumstances exist.

6. The Procedure - Informal Approach

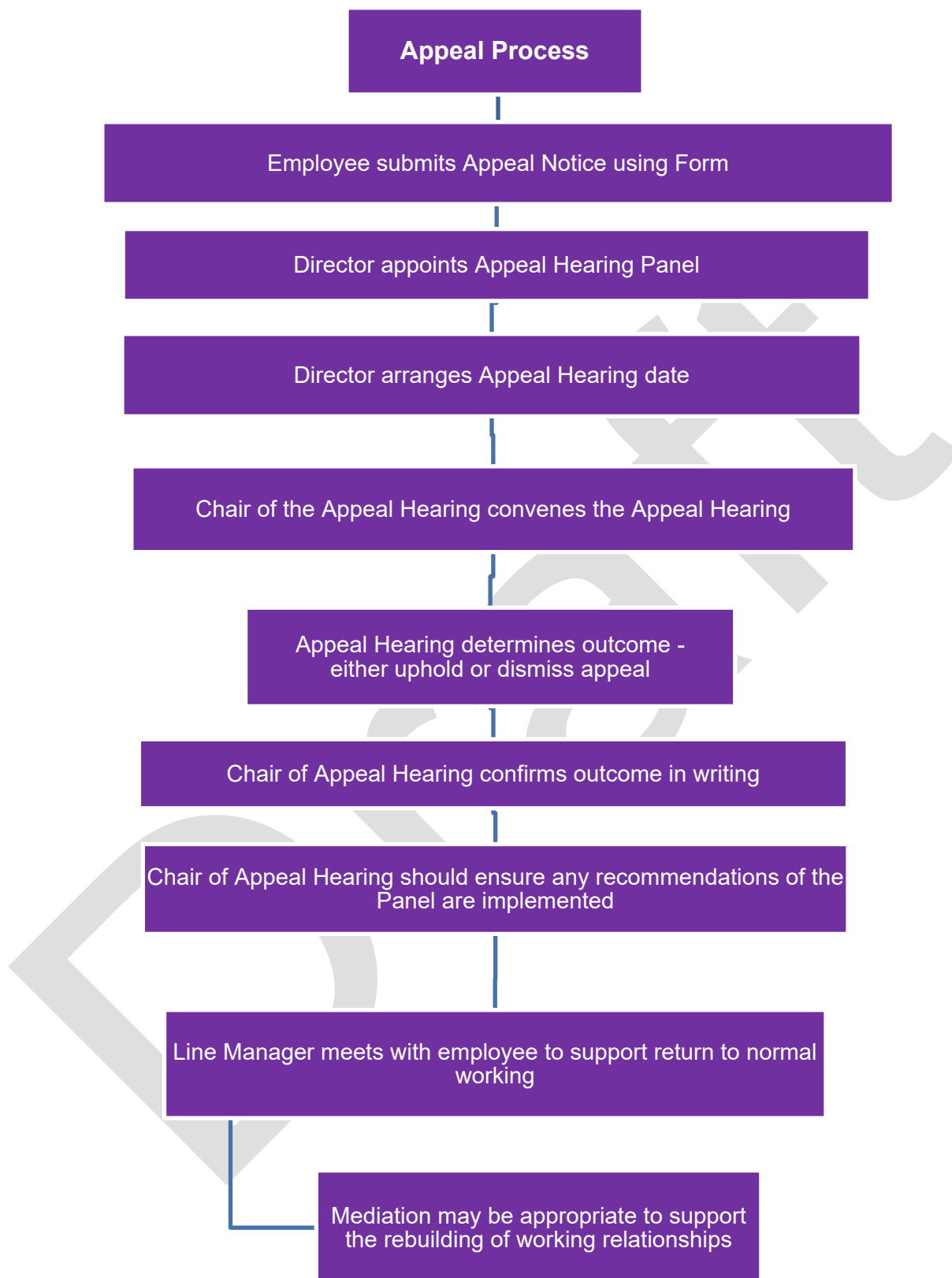
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Appendix 1 – Draft Grievance Policy and Procedure



Appendix 1 – Draft Grievance Policy and Procedure



Appendix 1 – Draft Grievance Policy and Procedure

7. Informal Resolution

Raising your concern directly

- 7.1. Most grievances with colleagues can be resolved quickly with an informal conversation. Therefore, if you have a concern that you wish to address, employees must raise it as soon as possible. Employees may choose to do this by either:
- Speaking directly to the colleague causing the concern.
 - Asking a line manager /colleague to support you to in approaching the colleague causing the concern with you.
- 7.2. If employees choose to raise the matter directly with the colleague causing concern, either individually, or with the help of a colleague, this must be done respectfully and in a constructive manner (see Dignity at Work Code). Employees should request to have a conversation in a private location, so that other colleagues can't overhear, and calmly set out the behaviour/action that is causing concern. A helpful approach is to use the following framework to explain your concerns e.g.,
- When you do X, it makes me feel Y. In future it would help if you did Z instead.
- 7.3. If employee asks a work colleague to accompany or support them in raising any concerns directly, the work colleague's role is to remind employees of the things that are of concern that employees might wish to raise in a respectful manner. They must not influence, advocate nor add their own perception or speak on behalf of the colleague raising concerns to the conversation.
- 7.4. Employees and all parties must confirm in writing the date of the conversation, what was discussed and any agreements or actions that were agreed as outlined in 7.7.

Raising the matter with a manager

- 7.5. If employees do not feel able to, or don't wish to raise your concerns directly, employees should raise the matter with the line manager, or the line manager's manager if the concern is about the immediate manager.
- 7.6. In exceptional circumstances, you may raise the grievance with a manager outside of your service area or with a member of HR.
- 7.7. Employees should raise their concerns with the manager as soon after the event or and no later than three months of the incident. If employees' concerns involve the behaviour of a colleague, an informal resolution must be sought in the first instance, also this may include (this list is not exhaustive):
- A facilitated conversation between you and the colleague causing concern where the manager helps both parties to discuss any concerns or issues.
 - If matter is complex a Mediation / Facilitated conversation can be utilised by an experienced individual trained in either facilitated meetings or mediation (see Section 8 below for more details).
- 7.8. The manager will write to confirm the outcome of the informal discussion within 5 working days of the meeting, including details of any remedial action which may be taken.
- 7.9. The manager will make a file note of the informal resolution approach taken and the outcomes a copy of which will be placed on employees personnel file and, if employees' concerns relate to a colleague, on their file too.

Appendix 1 – Draft Grievance Policy and Procedure

- 7.10. If employees are not satisfied by the outcome reached through informal resolution methods, employees may consider the formal procedure (See page 8 flow chart and Section 9 for further details).

8. Mediation or Facilitated Meetings

- 8.1. Research indicates that most grievances or disputes between parties are best resolved quickly through facilitated meetings or mediation (section 7) to resolve disagreements or disputes. The process is supported by experienced and trained mediator who acts as a facilitator.
- 8.2. This works by encouraging the parties to speak to each other and reach a mutually acceptable agreement that will seek to resolve the issues between them. Mediation or Facilitated Meetings are a voluntary process and will only take place if both/all parties agree. It is confidential and the terms of discussion are not disclosed to any party outside the mediation meeting unless all parties agree. Information and guidance will be provided to all parties in relation to the process, followed by a confidential written outcome.
- 8.3. It is expected that if employees are raising a grievance, or have a grievance raised against them, would wish to resolve matters informally and as quickly as possible. It is therefore anticipated that, in most instances employees will be willing to mediate if asked.

Next Steps

- Slough Borough Council will source either internally trained or external mediators
- The mediator is to help parties reach a solution to work-related concerns and to arrive at an outcome that both/all parties are happy to accept. Mediators are independent and do not take sides, make judgements, or tell parties what to do. They will coordinate and facilitate the process.
- Mediators will ensure both parties feel safe and for developing constructive communications to explore options and enable the parties to build a shared agreed way forward with actions points. The mediator will not impose a settlement or solution.
- Mediation typically takes one day but will take longer where there are more than two parties. Employees will be invited, with five working days' notice, to attend the mediation.
- While we recognise that some employees may wish to have someone with them to provide support [this includes staff side representation], this is not appropriate in an informal setting. The mediator will create a safe environment for you to raise and explain work-related concerns and how this is impacting on employee concerned.
- If parties are unable to reach agreement through mediation, may still progress their grievance through the formal procedure, once a review of the efforts taken to resolve matters through the informal route have been considered and actioned.

9. Formal Resolution

Submitting your formal grievance

- 9.1. If the informal procedure has not been successful, employees should outline the nature of your concerns in writing, ideally using the Formal Grievance Notification Form (Appendix 1) and submit this to your line manager (or next-in-line manager or other independent manager) as soon as possible and within 5 working days of the date of

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the outcome letter issued as part of the informal stage either facilitated or mediation meeting.

- 9.2. The employee (s) should provide sufficient details to allow the independent manager dealing with it to understand the nature of the grievance and should include any accompanying evidence to support your complaint. You should also include information as to why you moved to the formal stage of the process and the outcome you hope to achieve to resolve the grievance.
- 9.3. No new aspects should be added to the grievance at this stage without the express permission of the Associate Director, Group Manager, or a nominated independent senior manager and the HR Business Partner for your service.

Acknowledging Receipt of your Grievance

- 9.4. On receipt of a formal grievance, the manager will normally contact the HR Business Partnering Team for advice and guidance on how to progress the case, once all informal review has been concluded.
- 9.5. The grievance will be acknowledged by the manager, in writing, normally within five working days of receipt of the Grievance being lodged. This acknowledgement will invite employees to attend a Grievance meeting to discuss the grievance in more detail and provide employees with a copy of this policy. Employees will be given a minimum of five working days' notice of the formal Grievance meeting and employees have the right to be accompanied to the meeting by a Trade Union representative or workplace colleague (see Section 12 for more details).
- 9.6. It is likely that the manager will need to allow for an investigation to be carried out. This will be confirmed in writing to you within five working days of the Grievance meeting being held.
- 9.7. The confirmation of the need for an investigation will normally give details of the person commissioned to act as investigating officer by the manager (now the commissioning manager). There may be circumstances where an investigating officer cannot be identified within the five-day timescale. In these circumstances the manager must acknowledge receipt of your grievance within five working days, keep you informed of progress and confirm the identity of the investigating officer as soon as is practicable.
- 9.8. Normally the investigating officer will be a manager (level 8 or above) from a different service area who has received training in undertaking Grievance Investigations. In complex cases or where appropriate resources are not available from within the Council, an external Investigating Officer will be appointed to undertake the investigation.

The Investigation

- 9.9. The commissioning manager will confirm to the investigating officer the details of the grievance, the terms of reference, the scope of the investigation and all relevant background information. However, employees will still be expected to participate in the investigation meetings in order to provide a detailed account of your evidence.
- 9.10. Employees will be invited in writing, by the investigating officer, to an investigation meeting. Employees will be given a minimum of five working days' notice and normally the investigation meeting will take place within 10 working days of confirmation of the appointment of the investigating officer.
- 9.11. The investigating officer will normally meet with the employee who raised the grievance first. This may involve more than one meeting to clarify certain aspects of the evidence supporting information provided by any party, to investigate and resolve the matter.

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The investigating officer will also write to the employee against whom the grievance has been raised and give five working days' notice to meet.

- 9.12. On the basis of the information provided, the investigating officer will determine which witnesses to interview. It is not always necessary to interview all witnesses, if the facts are clear or when additional information is not likely to add any new evidence.
- 9.13. The investigating officer will:
- Establish the facts of the case and gather evidence
 - Interview all parties they deem relevant
 - Ensure all interviewees are aware of the purpose of the investigation and the interview meeting and that any information obtained may be used/relied on in the course of any subsequent hearing, may be shared with the relevant parties in due course, and that they may be required to attend a hearing to give evidence
 - Remind all parties that the content of the grievance and investigation interview meetings must be kept confidential and must not be discussed with anybody else – breach of this may result in disciplinary action being taken against them
 - Remind all parties not to collude or interfere with witnesses – breaches of this may result in disciplinary action being taken against them
 - Take notes/arrange for notes to be taken of the investigation interview meeting
 - Obtain agreement from each interviewee that the notes taken are an accurately reflection of the key points raised and discussed during the investigation interview meeting
 - Produce and submit a report to the commissioning manager summarising the evidence collected through the investigation and indicating, on the balance of probabilities, what is likely to have happened, with recommendations as appropriate.
 - Retain a copy of their report for a period of three months (longer if notified by HR Business Partnering team).
- 9.14. There is no legal right to be represented at investigation interview meetings. However, Slough Borough Council recognises that these can be stressful and agrees that employees may be accompanied by a Trade Union representative; a workplace colleague or support person (if required), provided this does not cause unreasonable delay to the process.
- 9.15. Employees should notify the investigating officer of the identity of their work colleague; representative or support person as soon as possible and no later than four working days before the meeting. It is employee's responsibility to arrange for them to attend. If employees are unable to make the meetings, please notify the investigating officer with clear reasons as soon as possible to avoid delays. To arrange alternative dates within five working days.

After the Investigation

- 9.16. The commissioning manager will review the report and recommendations made by the investigating officer and determine whether to uphold, partially uphold or not uphold the grievance.
- 9.17. The commissioning manager will reconvene the Grievance meetings, giving you five working days' notice in writing, to inform you of the findings of the report and the

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outcome. You have the right to be accompanied to this meeting (see Section 12 for further details).

- 9.18. The commissioning manager will also invite the colleague whom the grievance is against to an outcome meeting, where they will be informed of the findings of the report and whether any further action will be taken against them. The colleague has the right to be accompanied by a Trade Union representative, a workplace colleague or support person to this outcome meeting.
- 9.19. Only the outcome letter will be confirmed to both parties in writing, and you will be provided with a copy of the investigation report, should the matter progress to an appeal process. Please note all steps of the investigation are confidential and should be shared with anyone.
- 9.20. If there are concerns about confidentiality of witnesses (e.g., service users), the commissioning manager will discuss this with the HR Business Partner. This may lead to the anonymization of witness statements and evidence within the report, part of the report being redacted, or part of the report not being sent to both parties. Employees will be advised of this at the individual outcome meeting.
- 9.21. The employee who raised the grievance, will be notified of their right to appeal the outcome.
- 9.22. The employee whom the grievance is raised against, there is no right to appeal the outcome of the grievance. Where formal action is recommended under another policy, e.g., disciplinary, the employee will have the right to appeal any formal outcome arising from that procedure.
- 9.23. Where appropriate, the commissioning manager will offer to convene a facilitated meeting of both parties to discuss the outcome, any recommendations and to explore further support that may be helpful within 10 days of notification of the outcome. This will be an informal meeting and there is no right to be accompanied to this meeting.

10. The Outcomes

To uphold or partially uphold the grievance

- 10.1. The commissioning manager, having considered the findings, conclusions and recommendations of the investigating officer may decide to uphold or partially uphold the grievance. The commissioning manager will recommend actions to remedy the situation including:
 - Mediation if appropriate
 - Other informal resolutions
 - Performance management
 - Training
 - Formal disciplinary action
- 10.2. Due to confidentiality, employee raising the grievance will not be given details of any formal action that is recommended. Employees will be told that appropriate action will be taken.

To not uphold the grievance

- 10.3. This may result in no further action being taken but it may also result in remedial actions being recommended.

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To find that the grievance is vexatious

- 10.4. A vexatious grievance is one that is brought without sufficient grounds for success with the intention of annoyance and/or disruption.
- 10.5. The council is confident that a very large majority of grievances that are raised under the formal procedure are genuine and made in good faith. However, where the investigating officer or commissioning manager determine that this is not the case, and that the grievance is vexatious, the commissioning manager's manager should examine the evidence to determine whether disciplinary action should be taken against the employee raising the grievance. This will be dealt with under the council's Disciplinary Policy and Procedure and a separate formal procedure may commence which draws on the information gathered as part of the grievance investigation process.

11. The Right of Appeal

- 11.1. If an employee, who raised the grievance, is dissatisfied with the decision and outcome of the Formal Resolution process employees should submit their appeal, ideally by completing the **Grievance Appeal Form attached in Appendix 2** and deliver it to the Associate Director or Executive that the employee reports into within 5 working days of the receipt of the letter confirming the outcome of the Grievance meeting.
- 11.2. Employees must fully explain their specific grounds for appeal and why they feel the issues have not been resolved. This should include an explanation of the facts not taken into consideration but should have been. No new aspects of grievance or new evidence will be accepted.
- 11.3. The grounds for appeal should cover one or more of the reasons below and evidence must be provided to support the grounds:
 - Which aspects of the grievance policy and procedures were not followed and what was not taken into consideration by the commissioning manager decision during the Grievance Meeting
 - The specific aspects of grievance were not properly investigated
 - The specific aspects of any non-compliance with statutory policy, procedure, and legal rights
 - Specific acts of discrimination, bullying and harassment in the process
 - Which aspects of the grievance investigation and evidence that were not considered by the commissioning manager at the Grievance meeting.
- 11.4. Employees Associate / Executive Director's will not be able to progress the matter to the Appeal Hearing until sufficient evidence and grounds for appeal are provided.
- 11.5. The appeal will be acknowledged in writing within 5 working days of the Director receiving the Grievance Appeal notification.

Grievance Appeal Hearing

- 11.6. The Associate / Executive Director will appoint an Appeal Hearing Panel comprised of:
 - An Executive/Associate Director from another service area
 - A Senior Manager (level 8 and above) independent from your section or service
 - An HR representative

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- 11.7. The Associate / Executive Director (Chair of panel) will convene a formal Appeal Hearing as soon as reasonably practicable. Which will normally take place within 10 working days following receipt of your written appeal.
- 11.8. Employees have the right to be accompanied by a Trade Union representative; workplace colleague and support person (if applicable) to the Appeal Hearing. See Section 12 for further details.
- 11.9. Employees should submit any paperwork that is to be used as evidence to the Chair of the Appeal Panel not later than four working days before the Appeal Hearing is due to take place.
- 11.10. The Chair of the Appeal Panel will provide copies of all documentation related to the Appeal Hearing no later than three working days before the Appeal Hearing is due to take place.
- 11.11. If employees are unable to attend the Appeal Hearing, they should notify the Chair of the Appeal Panel as soon as possible preferably 24 hours prior. The Chair will consider the reasons provided for not be able to attend and re-arrange on the first occasion. If employees do not attend the re-arranged Appeal Hearing, employees may make written representation or request for the employee's representative to present the evidence on an employee's behalf. If no representation is made, the Appeal Panel will normally deem the appeal as withdrawn and no decision will be made.
- 11.12. The Appeal Hearing is not a re-hearing of the Grievance meeting. It will focus on the grounds of appeal that employees submit.
- 11.13. The commissioning manager who made the decision about which employees are appealing will present the management case as to how and why they reached the decision they did. This will normally include details of the evidence on which they relied to reach their decision.
- 11.14. Employees will be given the opportunity to present your reasons for appealing the decision, ask questions and present your evidence.
- 11.15. Once all the evidence has been heard, the Appeal Hearing will be adjourned for a brief period to allow the panel to discuss the evidence and reach a conclusion on whether to dismiss the appeal (the original decision stands) or uphold the appeal and change the decision made at the previous stage.
- 11.16. The Chair of the Appeal Hearing will convey the outcome of panel's decision to employees, either, at the end of the Appeal Hearing or in writing within five working days of the date of the Appeal Hearing. The decision of the Appeal Panel is final.

12. Right to be Accompanied

- 12.1. Employees have the right to take a trade union representative, work colleague or support worker to any formal meeting called under this procedure, including the appeal meeting. Employees should tell the commissioning manager or the Chair of the Meeting/Hearing as soon as possible, as, and no later than four working days before the Meeting/Hearing, who will be in attendance, and it is the employee responsibility to arrange for them to attend. If employees choose a work colleague, they will not be prevented from attending, but we may rearrange the meeting if their absence from work causes operational problems.
- 12.2. Employee's union representative can, if agreed, explain the key points of the case to the meeting and can respond on their behalf. They must not however answer questions put directly to you or try to prevent the Council asking questions or outlining its arguments.

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13. Remote Proceedings

- 13.1. Where it is not possible to hold a face-to-face meeting under this procedure, we will conduct the process remotely. We will ensure that all those participating have access to the necessary technology. Employees rights will not be affected, and we will ensure that the procedure remains fair and reasonable.

14. Adjustments to Proceedings

- 14.1. If any aspect of the grievance procedure causes an employee difficulty because of a disability, or if employees need assistance because English is not the first language, employees should raise this with the manager handling the case at that stage, who will make appropriate arrangements for them.

15. Recording of Meetings or Hearings

- 15.1. A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by person arranged to take notes. Individuals can take their own notes.
- 15.2. Employees, or any person acting with them or on an employee's behalf, are not permitted to record electronically any meeting that we hold under the grievance procedure. This is to encourage openness and full participation. Any breach of this provision may lead to disciplinary action, which could include dismissal.
- 15.3. In certain limited circumstances, we may permit a meeting to be recorded electronically, for example where it is a reasonable adjustment for an employee with a disability. Where we permit a meeting to be recorded electronically, we will take responsibility for making the recording.
- 15.4. Where we intend to record meetings held remotely, we will comply with our data protection obligations and obtain prior consent from all attendees.

16. Timescales

- 16.1. The timescales set out in this policy should normally be adhered to unless there are exceptional circumstances that make this impossible. In these cases, the manager/director must communicate the delay and the reason for the delay to the parties.
- 16.2. Grievances can only be brought within 3 months, preferably soon as the issue has occurred to avoid delay or impact on employee well-being or disruption to service impact due to unresolved issues.
- 16.3. It is anticipated that acknowledgement of receipt of a grievance or appeal and written confirmation of outcomes will be sent within five working days. Notice of meetings, investigation interviews and hearings should be at least five working days.
- 16.4. The investigation will normally take four to six weeks to complete. However, this may change if the various parties, including witnesses, are not available to attend investigation interview meetings or approval of investigation interview meeting notes is delayed.
- 16.5. Where resolution to a grievance is being delayed various options may be considered to enable a timely resolution to the matter e.g., Union representation in the absence of an employee, written submissions where formal meetings cannot be arranged or agreed. In the event an informal method of resolution is being explored, any formal processes or investigations underway will be paused or recommence if no resolution.

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17. Interaction of Grievance Procedures with other formal Procedures

- 17.1. Where an employee subject to the disciplinary or managing performance/capability procedure raises a grievance, advice should be sought from the HR Team. The employee must submit their grievance, using the appropriate forms, to the line manager/manager's manager who will determine the appropriate route for the grievance to be heard.

Disciplinary or Performance Management

- 17.2. If the grievance is raised during the course of a disciplinary or managing performance process and is related to the case / allegations then it will normally be looked into as part of that process.
- 17.3. If the grievance relates to the disciplinary process, then it will be heard under the disciplinary procedure. If it relates to the managing performance process, then it will be heard under the Managing Performance and procedure.
- 17.4. If the grievance relates to the manager undertaking the disciplinary or capability Management Performance procedure, the HR Business Partner should be consulted as to whether to treat the grievance as a separate issue to be determined first or to be managed concurrently or whether an alternative manager should be appointed to undertake the disciplinary or capability process and the grievance process as one.
- 17.5. If the grievance is about another unrelated matter then the grievance procedure should be invoked and run concurrently (this would not impact on any outcome of the disciplinary, capability or dignity at work process as that would be dealt with on its own merit).

Counter Grievances

- 17.6. Where employee A has raised a grievance against employee B, and B raises a counter grievance against employee A, the two will normally be investigated by the same investigating officer and both employees invited to the Grievance Meeting to hear the outcome of their grievances.

Formal Grievance Notification Form

The formal grievance procedure should only be invoked if the informal process has not been successful.

This form must be completed and sent to the individual’s line manager and if the grievance is related to the line manager, then it should be sent to the next-in-line manager, within 5 working days of the date of the outcome letter of the informal stage.

An employee registering a formal grievance should complete Parts 1 and 2 of this form.

Part 1 – Employee Details			
Name:		Job Title:	
Department:		Location:	
Telephone No.		Email:	
Part 2 – Details of the Grievance			
<i>Please summarise your grievance below and attach any supporting documentation. Please confirm whom your grievance is against (if this applies). You may continue on a separate sheet if necessary.</i>			
1. In your own words summarise what you are aggrieved about. If appropriate you should provide specific details such as dates and times of events, the names of any witness, where events took place and any relevant background information leading up to the grievance.			
2. Why was your grievance not resolved at the informal stage? Please outline what aspects of the informal approach were unsuccessful (Please include the outcome letter from the informal stage).			
3. What outcome are you looking for to resolve your grievance?			
Signature		Date:	
Received by Manager:			
Name:		Date:	
Signed:			

Grievance Appeal Form

This form must be completed and sent to the Executive or Associate Director as appropriate that you report to within **5 working days** of the date of the letter confirming the outcome of the Grievance Meeting. Please refer to Section 11 of the Grievance Policy and ensure that your grounds of appeal are clearly explained. Please note that your grievance cannot be progressed to appeal until you provide sufficient evidence and grounds. You may continue on a separate sheet.

Parts 1 and 2 of this form must be completed.

Part 1 – Employee Details			
Name:		Job Title:	
Department:		Location:	
Telephone No.		Email:	
Part 2 – Details of the Appeal			
Please state in your own words the specific grounds on which you are basing your appeal against the decision taken at the Grievance Meeting and what outcomes you are looking for (no new or additional issues can be included at this stage).			
<div style="text-align: center; font-size: 48px; opacity: 0.2; transform: rotate(-15deg); pointer-events: none;"> Draft </div>			
Signature		Date:	
Received by Manager:			
Name:		Date:	
Signed:			

Slough Borough Council

Report To:	<u>Employment & Appeals Committee</u>
Date:	21 March 2023
Subject:	Slough Borough Council's implementation of the recruitment direction
Chief Officer:	Stephen Brown
Contact Officer:	Sarah Hayward
Ward(s):	All
Exempt:	NO
Appendices:	List of roles covered by the recruitment direction agreed with Commissioners

1. Summary and Recommendations

- 1.1 The report sets out steps taken by the council since the 1st September 2022 when Commissioners were given new reserve powers to appoint to the top three tiers of Slough Borough Council. It acknowledges that Commissioners have not routinely been kept up to date with developments and sets out steps taken to address this, including which roles are covered by the powers. It further sets out issues with the council's current recruitment and Human Resources (HR) practice and the early steps being taken to address them. It acknowledges that the council's response to the direction was not sufficient in quality or pace and sets out how this will be addressed.

Recommendations:

- 1.2 Members of the Employment & Appeals Committee are requested:
- a) To note the contents of the report

Reason

- 1.3 On 28 July 2022 the Secretary of State announced that after due consideration he was minded to use his powers under the Local Government Act 1999 to expand the intervention at the Council. On 1 September 2022 Minister Paul Scully announced that he would expand the intervention at the Council to cover recruitment to specific levels of senior management. The council's understanding of the direction is set out below in the background section.
- 1.4 The council did not initially respond effectively to the new direction. This includes not setting out which posts are covered by the direction and not notifying Commissioners when relevant posts were being recruited to and so Commissioners were denied an opportunity to assess whether they needed to use their powers.

1. 1.5 The council acknowledges that HR practice across the council is not where it should be in terms of delivering a modern and efficient service to attract and retain the staff Slough needs to recover and succeed. In part HR was directly and significantly negatively affected by Our Futures as posts were reduced on the on the basis of greater self service by managers. The model wasn't effectively implemented. There are wider issues of capacity and resources that also need to be address in HR and across the council.

Commissioner Review

The Council's ability to attract and retain excellent leaders is crucial to its ability in delivering its recovery and improvement programme. This report outlines at high level the issues the Commissioners faced in the spring and summer of 2022 in being able to attract the right calibre of people to take the organisation forward, and these issues led to the Direction issued in September 2022 referred to in this report. The Council's initial response to this Direction was disappointing.

However, the report presented here seeks to redress that and sets out some of the background, the status of recruitment activity to the affected posts, and some indication of the elements of the recruitment improvement plan

It is important that this area of work is reviewed on a regular basis alongside responses to the other Directions via the Improvement and Recovery Board to ensure the improvements needed are delivered.

2. Report

Introduction

- 2.1 As previously reported Members are aware the Council has received a formal Direction from the Secretary of State for Levelling Up, Housing and Communities (DLUHC) made under s.15(5) and (6) of the Local Government Act 1999. This Direction was issued on 1 December 2021 and sets out the functions of the Council to be exercised by Commissioners appointed by DLUHC.
- 2.2 With effect from 1 September 2022 and following the Commissioners' initial six-month report, the Minister expanded the Directions in Annex B of the Directions to include the following:

"5. All functions to define the officer structure for the senior positions, to determine the recruitment processes and then to recruit the relevant staff to those positions."
- 2.3 'Senior positions' is defined in Annex B of the Directions as 'direct reports to the Chief Executive and their direct reports, and their Group Managers – tier one, tiers two and three.'
- 2.4 Commissioners sought the powers from the secretary of state for a number of reasons. Their experience of the recruitment process, functions and outcome was poor. A number of recruitments didn't run as they should have and took considerably longer than needed. The outcomes are still not where they should be in terms of timeliness and effectiveness of process, ability to attract quality candidates and candidate relations with both successful and unsuccessful candidates. It is recognised that not all of the recruitment challenges rest with

HR, practice is also not what it should be with recruiting managers and holistic corporate improvements need to be made. These will need to start however in HR.

- 2.5 The direction applies to the Chief Executive, his direct reports the Executive Directors (ED/s), their direct reports Associate Directors (AD/s) and their 'Group Managers'. The term 'Group Managers' is subject to some confusion with some areas using this title and others not. Recent discussions with the Commissioners have clarified the position and a list of posts covered by the directions is appended to this report in the annex.
- 2.6 It is recognised that this understanding should have been sought by the council in summer 2022 and this report seeks to address that clear oversight. Further the report notifies the cabinet about posts recruited to that should have been subject to a commissioner view as to their involvement in or oversight of the process.
- 2.7 All ED posts have been appointed via the member appointment process set out in the constitution and have involved Commissioners with the exception of the ED of Place and Communities who was already in post prior to the intervention. The ED structure is now complete, and all staff are in post apart from the new S151 Officer who joins the council in March. Following discussion with commissioners, executive and personal assistants to the chief executive and EDs are excluded from the direction. The other tiers covered have either experienced ad hoc need to recruit replacements to some of the posts in the annex or have been subject to service specific restructures with the involvement of commissioners. An example is finance.
- 2.8 In order to ensure commissioners are appropriately involved in future recruitments a step is being added to the recruitment control process regarding the posts covered by the direction to ask whether Commissioners' views have been sought about the intention to recruit and recruitment requests will not be approved corporately until the Commissioners views have been given and the extent of their involvement established.
- 2.9 The reserve powers enable Commissioners to exercise them for any of the roles covered by the direction. However, Commissioners have advised the council that their practical level of involvement will be commensurate to the seniority and their assessment of risk involved. All ED recruitment will have extensive involvement of the Commissioners. AD recruitment will also involve Commissioners but the level of involvement will be on a risk basis – those AD posts with very significant budgets and/or budget savings, involving significant change, and HR and ICT who are subject to specific directions and critical to Slough's recovery are likely to see greater involvement of the Commissioners in the process. The precise nature of commissioner involvement established at the start of the recruitment process by the relevant ED discussing the process with the Commissioners.
- 2.10 A lighter touch approach will be taken to the direct reports of the ADs – these will be agreed on a case by case basis but Commissioners will expect to see as a minimum that roles have been reviewed and job requirements updated where necessary to drive recovery in Slough.
- 2.11 Any restructures affecting these tiers, whether in departments or whole council will need Commissioner involvement. Recent examples include the finance restructure and the ICT restructure.

- 2.12 If the recruiting manager, ED or AD is interim the Commissioners will seek greater involvement and/or assurance over permanent appointments being made.
- 2.13 Work is being undertaken to start to make improvements to the HR function and practice across the council including the recruitment function and practice. The challenges are multifaceted and include issues with the HR function, the availability and use of appropriate technology and HR practice by line managers and staff across the organisation. This will take time to solve and a full improvement programme is in the early stages of development. The improvement plan will be incorporated into the Council's overarching Improvement and Recovery Plan and reported to the Improvement and Recovery Board chaired by the Commissioners.

3 Options considered

This report is for noting only

4 Background

- 4.1 Since the new directions were placed on the Council in September a number of senior appointments have been made. This includes the Chief Executive and all EDs apart from the ED Place. These appointments give a greater sense of stability and stronger leadership throughout the organisation.
- 4.2 All of the above appointments have had Commissioner involvement and oversight. The Chief Executive and the Interim Monitoring Officer were appointed by the Commissioners and their appointments were reported to Council. Similarly in relation to the S151 Officer who has yet to take up post.
- 4.3 As part of the need to improve processes relating to recruitment, the Commissioners have fed back that in future all shortlisted candidates for Executive Director posts must include an interview with the Chief Executive prior to final interview with the Sub Appointments Committee, and only those candidates which the Chief Executive deems as appointable will go through to this final stage, Similarly, any ADs candidates should be interviewed by the relevant Executive Director before progressing to the final interview the Final Interview Panels.
- 4.4 Currently there are some AD posts that remain vacant or are filled by interim AD. EDs have been reviewing these posts and have started to recruit to them. To date, the post of AD's for Property, Housing, and Education have interims that have been engaged. Commissioners were consulted on the process to engage these.
- 4.5 The commissioner feedback for roles at the AD level is that in terms of members, as a minimum the Lead Cabinet Member for the function needs to be included in the final interview panel. Again, the Commissioners have recommended that the ED for the function has an interview with each shortlisted candidate to assess their suitability before presenting to the final interview panel. This feedback has been taken on board.
- 4.6 It is understood that only one AD has been appointed and one Interim Group Manager have been appointed since the recruitment directions were initiated in September 2022, and our current understanding is that the process for both

started prior to the direction being issued. A process has been put in place to prevent a recurrence.

- 4.7 A step has now been added to the recruitment control form, to record Commissioners involvement in the specific recruitment covered by the direction, which will be determined by them. Approval to proceed with a recruitment process will not be given until Commissioners have completed the form.
- 4.8 Underpinning the Commissioners' initial request for the direction was their experience of recruiting to the Executive Director tier in the first half of 2022 and reports from staff recruiting to more junior roles that recruitment processes weren't fit for purpose, and took excessive time to work through.
- 4.9 The end to end HR practice across the council is not modern or efficient, challenges lying both within services as well as the HR function. It is acknowledged that there needs to be an improvement plan to work with staff to improve practice, policy and process across the authority.
- 4.10 Improvement work has begun. In January a cross council workshop identified issues and quick wins that could be take both by services and HR. These are being worked through and implemented. The HR team has also identified improvements they can make and are working through them, they are also in the process of reviewing policies. A new ED for Strategy & Improvement has now been appointed, with improvement to HR practice being one of her key objectives. An HR improvement plan will be taken to the Improvement and Recovery Board in due course.
- 4.11 To develop the improvement plan further diagnostic work needs to be undertaken. Consideration is being given to an LGA peer review of HR which will help us understand both HR and cross council steps that need to be taken. Improvements will need to be in a range of areas, including but not exhaustively, ensuring we have the right professional skills and knowledge in a permanent staff base in HR, good adherence to policy and procedure across the authority and good systems that support automation, reduce workload and reduce both human error and the number of hand offs between staff. As this plan develops it will be reported through appropriate council governance and to Commissioners at the improvement and Recovery Board. Improvement work required will include developing the skills and capability both in the HR services and across the organisation, embedding consistent use of processes and a compliance culture, developing new policies, systems and processes to modernise the function and practice, bringing in greater automation. A clear improvement strategy will be agreed through council governance including the lead members, employment and appeals committee and Commissioners.
- 4.12 A number of documents are supplied at the annexes, including our recruitment policy for staff not subject to member appointment, this is currently being updated; the constitutional extract covering member appointments; the list of posts affected by the direction, and those that have been recruited to without Commissioner notification; a copy of the wording of the direction.

5 Implications of the Recommendation

Financial implications

- 5.1 There are not significant financial implications arising from this report.

Legal Implications

- 5.2 On 1 December 2021 the Secretary of State for Levelling Up, Housing and Communities made statutory directions requiring the Council to take prescribed actions and that certain functions be exercised from this date by appointed Commissioners, acting jointly or severally. The directions were extended on 1 September 2022. The directions were made under Part 1 of the Local Government Act 1999 due to the Council having failed to comply with its best value duty. The general duty of best value is set out in section 3 of the Local Government Act 1999 and requires local authorities to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”.
- 5.3 The functions to be exercised by the Commissioners include functions associated with governance and scrutiny of strategic decisions, requirements for the proper administration of financial affairs, functions associated with the oversight of collection of revenues and benefits and appointment of the three statutory governance officers and the scrutiny officer, as well as functions to define the officer structure at a senior level, determine recruitment processes and recruit relevant staff to these positions.
- 5.4 The Explanatory Memorandum to this Direction confirms that in practice most decisions are expected to be taken by the Council, however the Directions are designed to give the Commissioners the power to tackle weaknesses identified to ensure the Council is better equipped to meet the best value requirements. Cabinet should have regard to the advice and comments of the Commissioners contained in this report.

Risk management implications

- 5.5 There are minimal risks associated with this report. It seeks to clarify implementation of the direction and therefore should reduce risk.

Environmental implications

- 5.6 There are no direct environmental implications as a result of the recommendations contained in this report.

Equality implications

- 5.7 There are no direct equality implications as a result of the recommendations contained in this report.

Procurement implications

- 5.8 There are no direct procurement implications as a result of the recommendations contained in this report.

Workforce implications

- 5.9 This report recommends approval for key appointments to the workforce taking account of the requirements set out by the Secretary of State into the council.

Property implications

- 5.10 There are no direct property implications as a result of the recommendations contained in this report.

6 Background Papers

See the annex attached

Annex

Third tier posts by directorate:

People – Adults:

Reporting to AD Adult Social Care Operations

Group Manager - Long Term Services – Level 10

Group Manager - Short Term Services – Level 10

Reporting to AD – People Strategy and Commissioning

Group Manager – Purchasing - Level 10

Group Manager – Market Management – Level 10

Group Manager – Commissioning – Level 10

Commissioning Strategy Manager - Level 8 – 3-month temporary post from Jan 23 to March 23.

Commissioning Support Officer - Level 5 – business support

Reporting to Deputy Director of Public Health

Public Health Principle – Level 10

Public Health Intelligence Officer – Level 6

Public Health Business Support – Level 5

Strategy and Improvement:

Reporting to AD Strategy

Group Manager - Data, Insight, Strategy – Level 10

Reporting to AD Transformation

3x Programme Managers – Level 9

2 x Project Support Officers – Level 6

Reporting to AD HR

Group Manager HR – Level 10

Health and Safety Manager – Level 9

Workforce Development Manager – Level 9

Business Continuity and Emergency Planning Manager – Level 9

Reporting to AD Customer and Business Services

Group Manager Customer Services – Level 10

Complaints, Casework & FOI – Level 8

Reporting to Chief Digital Officer

Enterprise Architect - Level 10

Governance Reporting & Compliance Manager - Level 10

Programme Delivery Manager - Level 10

Technology Operations Manager - SML11

ICT&D Services Manager - Level 10

Digital Customer Engagement Manager - Level 10

Reporting to Head of Communications and resident engagement

Group Manager – Communications – Level 10

Property and Housing

Reporting to the ED Property and Housing
Head of Planning Policy – Level 10
Head of Development Management – Level 10
Group Manager – Building Management – Level 10

Reporting to the AD Property
Group Manager Place Delivery - Level 10.
2 x Principal Asset Managers – Level 9
Reporting to the AD Housing
Group Manager Accommodation services Level 10
Neighbourhood Manager Level 9

People Children's

Reporting to the AD Education and Inclusion
Group Manager - School Services – Level 10
Principal Educational Psychologist – on Soulbury Scales – Level 10
Head of Music Service (Arts Council funded) – Level 10
Group Manager – SEND and inclusion – Level 10 Vacant
Group Manager – School Effectiveness – Level 10 - vacant
.xGroup Manager - Early Years - Level 10
xGroup Manager – Children Centres – Level 10 vacant
× Please note these roles were the responsibility of the AD Children Services – post never recruited to since he left and all the posts have been reporting to the AD education and Inclusion

Place and Communities

Reporting to the AD Place & Community
Group Manager Community – Level 10
Group Manager Community Safety, Housing Regulation & Enforcement - Level 10
Group Manager Public Protection – Level 10

Reporting to the AD Operations
Group Manager - Carbon and Sustainability Level 10
Group Manager - Environmental Services Level 10
Group Manager - Highways and Transport Level 10 vacant

Finance and Commercial Services

Reporting to Head of Revenues and Benefits
Benefits Manager Level 9
Revenues Manager Level 9
Revenues and Benefits Systems Control Manager Level 9
Housing Recovery Lead Level 8
Debt and Welfare Lead – Level 8

Reporting to Deputy Director Financial Management
Head of Commercial Services – SML 11
5X Strategic Finance manager – SML 11/12

Reporting to Deputy Director Corporate and Strategic Finance
Head of Financial Governance, Internal Audit, Counter Fraud Risk, and insurance –
SML 11
3 X Strategic Finance Managers SML 11 /12
Reporting to S151
Head of Transactional Services – SML 11

Reporting to Monitoring Officer
Head of Governance and Scrutiny – Level 10

Slough Borough Council

Report To:	Employment and Appeals Committee
Date:	21 st March 2023
Subject:	Update on performance management and reporting arrangements for exit arrangements for chief officers
Chief Officer:	Stephen Taylor, Monitoring Officer
Contact Officer:	Surjit Nagra, Associate Director HR
Ward(s):	None
Exempt:	
Appendices:	

1. Summary and Recommendations

This report is presented to the committee as an update as requested by this committee on actions from the original report at the last meeting in December 2022.

Recommendations:

Committee is recommended to:

- To note the updated actions on the learning points highlighted in the report in December 2022

Reason:

The reason for the previous report was to update the committee on performance management process for chief executive /chief officers and reporting arrangements for exit arrangements for chief officers.

It was noted that in May 2022 the Government issued guidance to local authorities on special severance payments due to concerns that paying additional sums on top of statutory and contractual entitlement does not usually provide good value for money or offer fairness to taxpayers. In addition, there have been concerns raised that these arrangements are more common with senior staff and can be seen as rewarding failure. It is important that elected members are provided with information on performance management of its most senior staff (Chief executive and chief officers) and the processes for agreeing exit arrangements.

A new Appraisal Process for Chief Executive was approved by this committee to ensure that the Chief Executive's performance is formally reviewed on a regular basis. The

purpose of the appraisal process is to help maximise the chief executive's job performance, and share the objectives agreed to relevant stakeholders.

Commissioner Review

The Commissioners are content with this update. Any changes to HR procedures and policies should be appropriately communicated to the workforce and the implementation of new procedures and policies monitored to ensure they achieve the required outcome.

2. Report

Learning

The following are the learning points presented to the committee where actions was requested to be reported back to this committee.

- 2.1 Performance management of chief executive** – *there is a need for independent support to assist the Leader with performance management of the Chief Executive. This could be extended to the other chief officers where the Chief Executive may need access to specialist support to help assess the capability of statutory chief offices who perform specialist roles*

Update – The formal appraisal process for the Chief Executive has commenced. An independent external facilitator has been appointed who is working with the Appraisal Panel to confirm the objectives of the Chief Executive for the coming year. The objectives agreed will be shared with this committee at its next meeting.

Once the Chief Executive has agreed his objectives, he will be commencing the appraisal process with his direct reports – Executive Directors. Following this the appraisal process for the rest of the Council will be cascaded and the 'golden thread' of the corporate plan will be embedded into the objectives.

- 2.2 Consultation with elected members on special severance over and above contractual entitlement but under £100,000.**

Update - There have been no severance packages that have been agreed since the last report to this committee

- 2.3 Consultation with external auditors** – *prior to agreeing any special severance there should be consultation with the external auditor. Whilst this would normally be undertaken by the s.151 officer, there should be a clear procedure maintained by HR to ensure this is done even if the post holder is the s.151 officer.*

Update – A procedure has been developed to ensure that consideration is given to whether the external auditor needs to be consulted on special severance packages. This will be more likely for higher value arrangements and for chief officer levels. The procedure ensures that there is an audit trail that this was considered by the statutory governance officers and if there was consultation, that the views are recorded.

Further, there have been no special severances that have been agreed since the last meeting.

2.4 Local policy on flexible retirement *should be considered and in the absence of such, the Council must ensure it follows the national guidance.*

Update - The revision of the current procedure is under review and examples from elsewhere are being collated to look at best practice. A draft policy will be presented to the committee.

2.5 Ensuring that **allegations in disciplinary processes** *are framed to allow focus on the main issues, whilst not being too narrow to limit the investigation or too wide to lead to a lengthy and complex investigation.*

Update - This has been noted.

2.6 Acting up arrangements (or even need for external interim support) *when the HoPS or other statutory governance officers are away from work or suspended, bearing in mind even in a well-managed process this can take 6 months.*

Update - This has been noted. Both the s151 Officer and the Monitoring Officer already have nominated deputies. The HoPS will agree acting up arrangements as necessary.

2.7 Ensuring that **learning from disciplinaries/performance management** *is picked up. In this case, the Council had picked up learning from Croydon Borough Council on the need to have in place officer delegation to suspend statutory governance officers for up to 10 working days pending a member meeting being set up. Learning on procurement and contract management has also been picked up as well as the need to tighten up the working of delegations from Cabinet to officers and to review the significant officer decision-making rules*

Update – the power to suspend is already in place with a 2-month time limit. The position in relation to learning on procurement and contract management, including the work of the scrutiny task and finish group on contract management, picked up the need to tighten up the wording of delegations from cabinet to officers and to review the significant officer decision-making rules. Cabinet reports explicitly recommend delegation to award of contract to the executive director in consultation with the lead member where it is appropriate to do so in line with the council's contract procedure rules. In addition, a significant officer decision must be submitted for tenders/contracts over £50,000 following award of contract. This is circulated monthly to members and published on the council's website and includes details of the decision taken and the reasons for the taking decision. There is an officer training programme for procurement and contract management, which is in place to skill officers up on the council's contract procedure rules and officer decision making rules.

3. Implications of the Recommendation

3.1 Financial implications

3.1.1 There are no specific financial implications. Implementing the recommendations will be managed within existing budgets and reviewing and amending the policies and procedures will ensure value for money when agreeing any exit arrangements.

3.2 Legal implications

3.2.1 Appointment and dismissal of chief officers and the statutory governance officers is governed by statute. The Council's Officer Employment Procedure Rules incorporate the statutory requirements. The recommendations are to ensure the elected members and the statutory governance officers are properly involved in exit arrangements and decisions around flexible retirement and redundancy to ensure that legal requirements are complied with and the Council can demonstrate value for money decision-making.

3.3 Risk management implications

3.3.1 Failure to comply with legal requirements will increase the likelihood of legal challenges which may necessitate settlement at financial cost to the Council. This can also lead to reputational and financial risks, which can impact on the Council's ability to recruit and retain staff.

3.4 Environmental implications

3.4.1 None

3.5 Equality implications

3.5.1 The Employment and Appeals Committee receives workforce data on its staff, including by grade. In addition when recruiting new staff interview questions should include questions on equality and diversity. All candidates interviewed for chief officer roles by elected members have been asked about their approach to supporting diversity in the workforce and have been assessed based on this.

3.6 Workforce implications

3.7.1 Effective performance management is an essential part of managing a workforce and this should apply to the Council's most senior staff. If it is necessary for staff to leave due to capability or conduct reasons, staff are entitled to a fair and lawful process and decisions on exit arrangements should be made based on clear policies and advice and reported in a transparent way.

4. Background Papers

None

MEMBERS' ATTENDANCE RECORD 2022/23

EMPLOYMENT AND APPEALS COMMITTEE

COUNCILLOR	14/06/22	12/07/22 Extraordinary	12/10/22	22/12/22	21/03/22
Ali	P	P	P	P	
Bal	P	P	P	P	
Ajaib	P	P	P	P	
Basra	P	P	P	Ap	
Bedi	P*	P	Ap	P	
Gahir	P	P	P	P	
Grewal	P	Ap	P	P	
Qaseem	P	Ap	P	P	
Smith	P	P	P	P	

P = Present for whole meeting P* = Present for part of meeting Ap = Apologies given Ab = Absent, no apologies given

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