



Agenda for Personnel Committee Tuesday, 16th April, 2024, 10.00 am

Members of Personnel Committee

Councillors: E Rylance (Chair), J Loudoun (Vice-Chair), P Arnott, K Blakey, V Bonetta, J Brown, M Chapman, T Dumper, P Faithfull, D Haggerty, M Hartnell, P Hayward, N Hookway, M Martin and E Wragg

Venue: Council Chamber, Blackdown House, Honiton

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(or group number 01395 517546)
8 April 2024

This meeting is being recorded for subsequent publication on the Council's website and will be streamed live to the [East Devon District Council Youtube Channel](#)

- 1 Minutes of the previous meeting (Pages 3 - 6)
To agree the minutes of the previous meeting held on the 21st January 2024.
- 2 Apologies
- 3 Declarations of interest
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 4 Public speaking
- 5 Matters of urgency
Information on [matters of urgency](#) is available online
- 6 Confidential/exempt item(s)
To agree any items to be dealt with after the public (including the Press) have been excluded. There is one item which officers recommend should be dealt with in this way.
- 7 CEO Recruitment update
A verbal update from the Corporate Lead – Human Resources.
- 8 HR Policy Review - Performance Improvement Policy (Pages 7 - 21)
- 9 People Data (Pages 22 - 30)

- 10 Local Government (Access to Information) Act 1985 - Exclusion of Press and Public

The Vice Chair to move the following:

“that under Section 100(A) (4) of the Local Government Act 1972 the public (including the press) be excluded from the meeting as exempt information, of the description set out on the agenda, is likely to be disclosed and on balance the public interest is in discussing this item in private session (Part B)”.

Part B

- 11 Request for additional funding and resource within the HR and Payroll Service (Pages 31 - 37)

Under the Openness of Local Government Bodies Regulations 2014, any members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chair has the power to control public recording and/or reporting so it does not disrupt the meeting.

Members of the public exercising their right to speak during Public Speaking will be recorded.

[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Personnel Committee held at Council Chamber, Blackdown House, Honiton on 29 January 2024****Attendance list at end of document**

The meeting started at 2.00 pm and ended at 2.38 pm

20 Minutes of the previous meeting held on 17 October 2023

The minutes of the previous meeting held on the 17th October 2023 were confirmed as a correct record.

21 Declarations of interest

None.

22 Public speaking

None.

23 Matters of urgency

None.

24 Confidential/exempt item(s)

None.

25 Pay Policy Statement

The report set out the requirement of the committee to undertake a review of the Council's Pay Policy Statement, as required under the Council's Constitution which aligns with the requirements under the Localism Act.

The reviewed Statement was presented to the committee, which set out the policy relating to the remuneration of the Chief Officers and other employees, and the relationship between the pay of Chief Officers and the lowest paid employee.

This relationship, referred to as the pay multiple, stood at 4.4:1, which remains within the Council's agreed 10:1 maximum ration, and is below the previous year's figure of 5.9:1. This compared favourably to the other Devon councils.

Recommended to Council that the Pay Policy Statement for 2024/25 be adopted.

26 Review of Grievance Policy

The reviewed Grievance Policy was before the committee, to consider and approve as per their remit. The review had been undertaken in light of recent grievance cases that had highlighted some aspects that could be improved in terms of the provision of information to the employee following an investigation.

The changes covered:

- Clarification on some elements of the policy, for example the role of the manager considering the grievance, and the role of the employee's companion;
- A new section covering who can attend the grievance proceedings with the employee, amalgamating information from other section to provide increased clarity;
- Further clarification regarding situations where investigation is required;
- Further clarification on the written records retained, and what information from those records will be shared with the employee.

UNISON had been consulted on the amendments to the Policy and been asked for their feedback, which was provided to the committee verbally:

- That the policy and impact assessment doesn't acknowledge that some people may require the meetings and/or records to be held/presented in a different format due to their protected characteristics – it is acknowledged that this isn't explicit in the policy or impact assessment, but it is very much part of our practice and will continue to be so. It was therefore suggested that HR add this to both documents before they are published;
- That the policy does not recognise that groups of employees, as well as individuals, may have a grievance which could be dealt with through this policy – again, this is not explicit but has been the practice and it was suggested that this is clarified in the policy document before publication;
- That the policy does not recognise that there are also other avenues available that the employees can take to resolve their grievance, including an appeal with timescales set out; ACAS; their Union; or the Tribunal service and guidance may need to be given to support employees – the appeal stage of the process was included in the policy at paragraph 15. With regard to other avenues, such as ACAS, the trade union or employment tribunals, these are outside the scope of the organisation's grievance policy and form part of general employment law, so it was proposed that these are not incorporated into the policy. Employees also have access to a wide range of information on the government's website and through avenues such as their trade union or citizens advice, should they wish to access further information on ACAS or tribunal routes.

The committee discussed the response from UNISON and agreed with the course of action proposed, in that the policy should be updated to cover the first two points. An amendment to paragraph 15.5 was proposed and supported to include the word "internal" so that this paragraph would read as "This is the end of the procedure and there is no further internal appeal."

Specific grievance cases that had prompted this review could not be discussed, however in response to a question, summarised information would be provided to the committee as part of an annual report that would show the scale of work but not the detail or confidential information relating to these cases.

RESOLVED that the change to the Council's Grievance Policy be approved.

27 **People Data**

The committee considered their regular update on key people data. The update aims to inform policy decision and to provide an overview of workforce matters.

Highlighted in the report were:

- Headcount increase by 9 from 541 in August, to 553 in December, and remains in budget;
- Vacancies have dropped to 29, compared to 46 in August 2023, being the lowest level reported since reporting began in January 2022;

- Average time taken to fill vacancies has reduced to 72.83 days since May 2023, which the average time was 108.92 days. This new average is significantly below the general benchmarking data which indicates that circa 100 days is the average time taken by organisations to fill posts;
- Sickness absence levels, currently forecasted at 9.33 days per FTE are still above the end of year absence target of 8.5 dates per FTE. Cold/Flu and Covid infections are the most common reasons for absence. Sickness absence continues to be actively managed, and employees are supported in accordance with the Absence Management Policy.

The committee discussed the impact of sickness absence, noting that the longer term absence can influence the average adversely; and that the winter season traditionally brought more colds/flu. Increases in Covid cases were very apparent in local communities and were also affecting staffing levels. A suggestion was put forward for writing to central Government on their current Covid policy, and how it impacted on the ability to deliver services. Whilst this had some support, there was concern that evidence on the actual impact on service delivery due to the infection would be required.

The committee resolved that in the first instance they would request that the Corporate Lead – Human Resources discussed with South West Employers the concerns of Councillors on Covid measures (including reduced vaccinations) and the impact it is having on key workers. They also requested for her to look in further detail at the sickness absence classified as due to Covid.

The committee also showed interest in having more data, if available, on the impact on sickness absence relating to home working or attending the offices.

RESOLVED that the committee endorsed the report.

28 **Personnel Forward Plan**

The committee received their forward plan of work, setting out the policies due for review at their next meeting in April. Items also yet to be scheduled to meetings in the next civic term were listed.

In addition, the committee requested:

- A report on employee benefits and support available at their next scheduled meeting;
- A report on the measures in place for dealing with the hard to recruit posts which have been vacant for over six months.

The current absence policy and related information on initiatives under the “Happy, Healthy, Here” scheme would be circulated to the committee in the meantime.

RESOLVED that the committee endorsed their Forward Plan with the additions discussed.

Attendance List

Councillors present:

E Rylance (Chair)

J Loudoun (Vice-Chair)

P Arnott

K Blakey

V Bonetta
T Dumper
P Faithfull
M Hartnell
N Hookway

Councillors also present (for some or all the meeting)

C Brown
J Brown
R Collins

Officers in attendance:

Debbie Meakin, Democratic Services Officer
Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)

Councillor apologies:

M Chapman
D Haggerty
M Martin
S Richards
E Wragg

Chair

Date:

Report to: Personnel Committee

Date of Meeting 16th April 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release n/a



HR Policy Review

Report summary:

To seek Personnel Committee approval to a revised Performance Improvement Policy, following a recent review.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

- To approve the revised Performance Improvement Policy.

Reason for recommendation:

To ensure that the Council's HR policies are up to date and fit for purpose.

Officer: Jo Fellows, Corporate Lead – Human Resources. jfellows@eastdevon.gov.uk

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Medium Impact

The equalities impact assessment is appended to the report.

Climate change Low Impact

Risk: Low Risk; The policy provides clarity and consistency in the Council's approach and the review ensures that it remains within legal and good practice requirements. HR continue to monitor application of the policy to ensure equality is maintained.

Links to background information Click here to enter links to background information; appendices online; and previous reports. These must link to an electronic document. Do not include any confidential or exempt information.

[Link to Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
-

Report in full

1. Personnel Committee's remit includes approving the devising and development of overall employment policies and as such Committee are asked to approve the policy as described below.

2. Performance Improvement Policy

The current policy has not been reviewed for some time and we are proposing changes, as shown at Appendix 1, to provide greater clarity between the informal and formal stages of the procedure and clarify alignment with the Performance Excellence Framework. We have also taken the opportunity to reflect some of the suggestions made by a lawyer when recently reviewing the Grievance Policy, for example regarding the wording of the sections on companions at meetings and record keeping. We have removed the specific section regarding probationary periods as we feel that this needs a separate policy, to provide greater clarity for managers and employees, and we are in the process of finalising this policy which will be subject to consultation later this year. Finally, we are suggesting a rename of the policy, from 'dealing with unsatisfactory performance' to 'performance improvement', which emphasises that this is the focus, wherever possible.

3. UNISON are aware of these policy proposals and have been asked to provide feedback, which will be shared with the Committee at the meeting.
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Financial implications:

No financial implications have been identified.

Legal implications:

It is important that our HR policies are reviewed on a regular basis to ensure that they comply with employment legislation and good practice.



Dealing with Unsatisfactory Performance **Improvement** Policy

- ~~The Policy has been developed to provide clearer guidance to managers and employees on how to deal with performance and capability issues. This policy and procedure will be used in all cases where your performance and capability is such as to warrant informal or formal action. This Policy does not apply to issues relating to ill health, sickness absence, or to issues of misconduct, where the Absence Management Policy and Disciplinary Policy and Procedure will be used. The Council expects the highest standards of performance in order to ensure the delivery of high quality services. We have developed a culture which is aimed at engaging, motivating, training and supporting employees so that they can reach their full potential. We have a Performance Excellence Framework (PER) which ensures clear objectives are set and that clear competency standards are communicated. This framework seeks to ensure that regular performance management takes place through one to ones and an annual **performance excellence** review. We aim to ensure that performance management is an integral part of our culture and that individuals regularly receive **honest and constructive** feedback, praise, support and opportunities to develop and reach their full potential. However, where concerns arise regarding your performance **falls below or fails to meet acceptable standards despite** pro-active action **will be taken through our Performance Excellence Framework**, this policy will be invoked **and could ultimately lead to** Performance management issues will be dealt with informally wherever possible and in a fair, consistent and supportive way, with the aim of seeking performance improvement. However, the Council acknowledges that there may be occasions, when all other options have been exhausted, that more formal action, including the possibility of dismissal, **if there is insufficient or sustained performance improvement**, is taken. East Devon District Council will provide training and guidance to managers and team leaders at all levels to ensure that they understand this Policy and Procedure. This Policy and Procedure will be regularly reviewed in accordance with new legislation. Human Resources (HR) must be consulted at all stages of the Performance Management procedure. HR is responsible for maintaining consistency and fairness within the procedures on behalf of the Council. The policy explains the levels of responsibility applicable when dealing with unsatisfactory performance. East Devon District Council has a responsibility to treat all of its employees reasonably, consistently and fairly.~~
- This policy should be used when performance has been identified as falling below or failing to meet an acceptable level despite informal measures and/or where there are more serious concerns about an employee's performance. Its purpose is to provide a framework for resolving poor performance in a fair and supportive manner, to secure performance improvement. Where poor performance is believed to be the result of deliberate negligence, or where serious errors have been made to the detriment of the organisation, the Council may decide to use the disciplinary procedure instead.**
- Any steps under this procedure should be taken promptly unless there is good reason for delay. The time limits in this procedure may be extended where it is reasonable to do so.**

- 4 This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time.
- 5 If you have difficulty at any stage of this procedure due to a disability and/or require any reasonable adjustments, you should inform HR.
- 6 When involved in any of the steps in this procedure, you should treat the matter as confidential and not discuss it with other colleagues, unless they are acting as your companion.

7 Scope

7.1 This policy applies to all Council employees with the following exceptions:

- Employees who are in their probationary period and yet to be confirmed in employment will be subject to the Council's probationary period arrangements.
- Formal action in respect of the Chief Executive ~~Monitoring Officer and Chief Finance Officer and Directors (Statutory Officers and Chief Officers)~~ will be taken as outlined in the Constitution and within the Council's Disciplinary procedure for Chief/Statutory Officers which reflects the model procedures and associated guidance of the Joint Negotiating Committee for Local Authority Chief Executives and Chief Officers.

8 Levels of Responsibility

8.1 ~~Wherever possible, officers should not act as decision maker in more than one of the formal stages to ensure fairness and objectivity. However, as this is not always possible, we will ensure that if an officer has been involved in issuing either a first or final improvement notice, he or she should not be involved in a decision to dismiss.~~ The following framework applies in cases where formal action is necessary:

Level of employee	Level of actioning officer	Level of appeal's officer
All employees below Assistant Director level	Line manager or a more senior manager	Assistant Director/Director or senior manager above level of actioning manager
Assistant Director	Director	Chief Executive

~~Human Resources will be involved at all levels of the procedure and will advise the Officer taking formal action of any 'live' performance warnings/improvement notices.~~

9 Informal Action

- If your manager has a concern ~~about your performance~~ that you are not performing to the required standard it is in both of your interests for the concern(s) to be addressed at an early stage. The aim is to resolve the concern(s) before patterns of working become entrenched and therefore harder to change and/or start to affect other members of the team / colleagues. Managers are strongly encouraged to address any issues of poor performance early with the aim of resolving them without recourse to the formal procedure. ~~in most cases it should be dealt with informally in the first instance. Your manager will arrange to meet you informally to discuss their concerns through the one to one process. He or she will need to have prepared evidence and examples to demonstrate what their concerns are~~

~~related to and what the implications are of the poor performance. A note of discussions about performance should always be made and signed by you and your manager. It is important that the manager establishes a shared understanding of the performance standards required and clearly outlines what these standards are and why you are not reaching these. Training, support, guidance, encouragement, mentoring and coaching will be used to assist you in reaching the required standard. Your manager will draw up a clear performance improvement plan which will outline clearly what steps will be taken to help you achieve the improvement required (See Appendix 1 for a Performance Improvement Plan template). Your progress against the development plan will be monitored and reviewed through one to ones and in accordance with the method and timescales agreed at the informal meeting. Records of further actions and/or meetings should be agreed and signed by both you and your manager. If your performance improves, your manager will acknowledge this both verbally and in writing to you through the one to one process. If your performance does not improve, your manager should determine, following advice from HR, whether or not it is appropriate to hold a formal performance meeting, as outlined below, or to continue with informal measures. You will be notified verbally and in writing of the decision and the reasons for it.~~

- 9.1 Most performance concerns should be addressed informally through objective setting and one to one meetings, as part of the Council's Performance Excellence Framework. When discussing concerns informally with you, your manager will clearly explain:
- The nature of the concerns.
 - The expected standards of performance.
 - Any necessary actions you are required to take to aid improvement.
 - Any timescales for improvement and review dates.
 - The potential consequences of not achieving the required improvements in performance.
- 9.2 At an informal meeting your manager should:
- Communicate the performance concern(s) clearly using observations and examples to explain the "gap" between existing levels of performance and the required standard(s) and/or refer to your job description to help explain where performance is falling short.
 - Explore with you any change in performance standards.
 - Consider your views and/or any mitigating circumstances that may be affecting your performance (including, for example, ill health, disability or other personal circumstances). (Where an employee has identified that their performance may have been affected by ill health or disability, additional support may be available, and managers should contact their Human Resources Business Partner for advice.)
 - Consider, where appropriate, providing you with access to reasonable support, training and/or mentoring/coaching to assist you in meeting the required standards.
 - Confirm the timescales for improvement and review dates.
- 9.3 Following the informal meeting, your manager will set out an informal performance improvement plan which will clearly outline the points above and what steps will be taken, including provision of support to achieve the improvement required (see Appendix 1 for a performance improvement plan template).

- 9.4 Your progress against the performance improvement plan will be monitored and recorded through regular one to ones and in accordance with the method and timescales agreed and outlined in the plan.
- 9.5 If your performance improves, your manager will acknowledge this both verbally and in writing through the one-to-one process and continue managing the situation informally, until the required standard has been achieved and is being sustained.
- 9.6 If your performance does not improve despite informal measures, and/or where there are more serious concerns about performance, managers should seek advice from their HR Business Partner before initiating the formal procedure.

10 Considering Taking Formal Action

- 10.1 Consideration of the position before any formal action is taken is key to ensuring that appropriate outcomes are established. It may transpire that formal action is not appropriate under the circumstances and therefore, managers should discuss the situation with their HR Business Partner. Consideration should be given to factors such as whether the employee's performance has been affected by ill health, disability, other personal circumstances or issues related to work. Factors such as whether this is the first time a performance issue has arisen, and the seriousness of the concern will also be taken into account.
- 10.2 If this is not the first time that a concern has been raised or if it is serious enough to go through formal action, the manager should review progress made during 'early action', reflecting on the concerns raised, the standards of performance expected and any support or training that may have been put in place. During this review, the manager may decide that they need more information about the employee's standard of work and may, with assistance from HR, consider how it would be appropriate to seek that information and who should obtain it.
- 10.3 If the concerns relate to the employee's attitude or conduct whilst carrying out their work, it may be more appropriate to consider invoking the disciplinary process.
- 10.4 Where formal action is considered appropriate, the formal meeting will normally be conducted by a manager not previously involved in the process, informed by HR advice.

~~Where the manager determines that a formal performance meeting to discuss concerns relating to your performance should be held, they will notify you in writing of this giving you at least 5 working days' notice. You will be notified in writing of the performance issues which have led to the performance meeting. You will be informed of your right to be accompanied and should be provided with a copy of the evidence/any investigation report. Investigation – When dealing with any performance matter through the formal procedure, an investigation of events will always take place. Only at the end of the investigation will the investigating officer decide whether or not to recommend that there is a formal case to answer. The investigation should be completed as soon as practicable, preferably within 4 weeks of the start of the disciplinary procedure. The investigating officer will not be the same person as the person conducting the Formal Performance Hearing. Please contact Human Resources for advice regarding who should investigate the issue. This may be an officer from Organisational Development, the Internal Audit Team or another officer appropriate in the circumstances. Investigations will involve:~~

clarifying the performance issues, enquiring into the circumstances surrounding the performance issues, ensuring that you are aware of the performance issues, taking witness statements if appropriate, gathering factual information, producing an investigation report; the detail of which may vary depending on the individual circumstances and requirements, deciding whether or not, in the view of the investigating officer, a formal performance meeting should be recommended, being present (where possible) at the meeting to present the report and the findings of the investigation to the officer chairing the formal performance meeting and to you. You do not have a statutory right to representation in an investigative interview. However, requests for representation will not be unreasonably refused. You do have a statutory right to representation in formal performance meetings. Representation will be by a Trade Union representative or workplace colleague. Witnesses may be a key part of both the investigation and the formal meeting. During the investigation, the investigating officer should interview witnesses directly and produce signed statements of the witnesses' contribution. If you are facing formal action, you should be shown copies of these statements (except in the case of anonymity). In some exceptional cases, a witness may wish to remain anonymous during the investigation and formal meetings stage. At investigation, the statement shown to you will be made anonymous. At the meeting you and your representatives and management representatives should not be able to question anonymous witnesses directly but will be able to put questions to them via the officer chairing the meeting who, together with Human Resources, will report back the responses. Each side will assess whether or not it is necessary for them to bring essential witnesses to the investigation or formal meeting. In all cases, these should be kept to a minimum and be essential to the substance of the case. Written witness statements may also be submitted to the formal meeting. Witnesses will normally only attend the meeting for the period during which their statement is under discussion. However, if the witness is a specialist with particular detailed knowledge which may be required at different stages of the process, then either party may require the witness to remain. At the formal performance meeting the manager will explain the issues and hear from the investigating officer what actions have been taken to date. You will be able to set out your case. Both parties will be able to present evidence and ask questions during the meeting. The manager will consider all the evidence and issues relating to the case and come to a decision as to whether or not further action should be taken.

11 Formal Action

- 11.1 In circumstances where the informal process has not led to a satisfactory or sustained improvement in performance and/or where there are more serious concerns about performance, a formal process will be instigated.
- 11.2 In advance of commencing the formal process, the manager will be required to provide the following information to HR:
- Clarification of the performance issues and circumstances surrounding them.
 - Appropriate supporting documentation such as one to one records and performance improvement plans to demonstrate the steps that have already been taken to try and address the performance issues and what (if any) progress that has been made.
 - Details of any training and support provided to assist the employee to meet the required standards.
- 11.3 If it is agreed that the formal procedure should be invoked, you will be informed in writing and given at least 5 days' notice that a formal hearing is being convened and the reason(s) for this and you will be provided with any

supporting evidence that will be referred to during the formal performance management meeting.

11.4 You will have the right to be accompanied to the formal meeting by a work colleague or trade union representative.

11.5 At the formal meeting, you will be given an opportunity to ask questions, comment on the issues and to put forward any explanation(s) you may have for the matters identified as amounting to poor performance.

11.6 Following careful consideration, the manager chairing the meeting may choose to take one of the following courses of action following the formal performance meeting:

No Further Action	If there has been sufficient or sustained improvement this should be acknowledged, and you will be made aware that no further action will be taken in relation to this procedure.
Further Informal Management	If there has been some improvement and it is likely that further, more sustained improvement can be expected soon (usually within the next 4 weeks) the matter should be referred to your line manager who will undertake further informal reviews with you. You will also be warned that if there is not a sufficient improvement following this review it may be necessary to refer the matter back to the manager who conducted the formal hearing who may then decide to take further formal action, which ultimately could include the possibility of dismissal.
First Formal Written Warning improvement notice	<p>If there has been insufficient or sustained improvement the manager may decide to issue you with a first formal written warning improvement notice. This will set out the shortcomings in performance, the improvement that is required, the timescales for achieving the improvement; who will undertake the monitoring; the date for formal review and what support or training will be put in place to assist you to reach the standard required. This will also outline that an insufficient improvement in performance could lead to further formal action, which ultimately could include the possibility of dismissal.</p> <p>A First Formal Written Warning improvement notice will remain on file for a period of up to 12 months six months and if the improvements are not significant or sustained, this could lead to further formal action.</p>
Final Formal Written Warning improvement notice	<p>If there has not been sufficient or sustained improvement, or the matter is considered serious enough, the manager can decide to issue you with a final written warning improvement notice. This will set out the shortcomings in performance, the improvement that is required, the timescales for achieving the improvement; who will undertake the monitoring; the date for formal review and what support or training will be put in place to assist you to reach the standard required. This will also outline that insufficient improvement performance could lead to further formal action including the possibility of dismissal.</p> <p>A Final Formal Written Warning improvement notice will remain on file for a period of up to 12 months and if the improvements are</p>

	not significant or sustained, this could lead to further formal action.
Dismissal with notice	If there has been insufficient or sustained improvement, the manager can decide to dismiss you with notice on the grounds of incapability. In these circumstances , the Council will look for potentially suitable alternative employment during the notice period and may consider a period of garden leave, where appropriate .

11.7 The manager will consider any previous sanctions and any special circumstances when deciding on the appropriate course of action. You will be advised of the decision in writing within 5 working days. ~~East Devon District Council will require you to acknowledge receipt of this written notification. Entry into the procedure can be at any of the above stages depending on the seriousness of the performance issue. Time limits for improvement notices – Improvement notices will normally remain on your record for the following time periods, unless in exceptional circumstances where a longer period is decided upon at the time of the action. The officer chairing the formal performance meeting must discuss these circumstances with Human Resources.~~

~~Probationary periods – During the probationary period, it is important that you establish your suitability for the role. During this period, you will have one to one meetings with your manager to provide feedback on performance. If, at the end of this 6 month period, the manager is not satisfied that performance is to the required standard, a disciplinary meeting will be called. The outcome of this disciplinary meeting may be dismissal even if previous formal warnings have not been issued.~~

12 The Appeals Procedure

12.1 **Where you feel that the formal action taken is unfair or unjust, you may appeal against the decision.** ~~You have an automatic right of appeal against any written improvement notices and dismissal. You have the right to be accompanied at any appeal meeting. You must exercise your right of appeal in writing within 5 working days of the date of receipt of the letter confirming the formal action. The grounds of appeal should be specific, stating why the decision is regarded as incorrect or unfair.~~

12.2 The letter of appeal should be sent to the manager who conducted the formal performance meeting. The person hearing the appeal will be as set out in 'Levels of Responsibility' above.

12.3 In preparation for and at least 5 working days before the appeal hearing, **the person hearing the appeal** ~~both the officer who conducted the formal performance meeting and you (now the appellant) should give to the person or panel hearing the appeal will be provided with the following:~~

- A copy of the notes of the formal performance management meeting.
- **Your letter of appeal stating the grounds on which you are appealing.** ~~a statement of the case against the decision and for the (appellant) appeal~~
- Any relevant supporting documentation or documentary evidence either party wishes to be considered. ~~Any witness statements that they wish to submit.~~

12.4 You will have the right to be accompanied to the appeal hearing by a work colleague or trade union representative.

12.5 In the first instance, the appeal is concerned with whether the decision reached was reasonable based on the evidence and information available at the time of the meeting. As a rule, it is inappropriate for new evidence to be

introduced by either party at this time if it was available at the time of the original meeting. However, in exceptional circumstances, it may be that new evidence has emerged and the person hearing the appeal must decide whether to allow that evidence to be introduced. The principle of a fair hearing will be observed. If it is introduced, the other party must have the opportunity to comment on it even if this means that the appeal must be adjourned.

12.6 At the end of the appeal process, the manager hearing the appeal may conclude:

- That the appeal has been successful and that the action taken should be reversed
- That the appeal has been unsuccessful and that the action taken should be upheld
- That the appeal has been unsuccessful but that the action taken is too harsh and should be substituted by more lenient action, or
- That so much new evidence has come forward that the case should be reheard by a different officer.

12.7 The outcome of the appeal process will be confirmed to you in writing within 5 working days of the appeal hearing.

12.8 This is the end of the procedure and there is no further internal appeal. ~~There is only one right of appeal internally.~~

13 Companion

13.1 You may bring a companion, which should be a colleague or trade union representative, to the formal performance and appeal meetings.

13.2 You and your companion should make every effort to attend the meeting. If you or your companion cannot attend at the date or time specified for the meeting, you should inform the officer chairing the meeting immediately, and we will try, within reason, to reschedule the meeting.

13.3 If the meeting does not take place for a second time because you or your companion cannot attend, it's at the discretion of the officer chairing the meeting as to whether to reschedule the meeting.

~~If you intend to be accompanied at a formal performance meeting, the identity of your representative must be confirmed to the relevant Manager conducting the meeting, in good time before it takes place. Employees are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish. Some representatives may not be allowed: for example, anyone who may have a conflict of interest, or whose presence may prejudice a meeting. In exceptional circumstances, the Council may at its discretion, permit a companion who is not a fellow work colleague or union official where this will help overcome particular difficulties caused by a disability, or difficulty understanding English. A representative/companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf. You may confer privately with their companion at any time during a meeting.~~

14 Records

14.1 Meeting minutes will be kept of the meetings that take place under this procedure. These records will be confidential and retained in accordance with the Data Protection and Document Retention Policy.

14.2 Except for the minutes taken of any meetings with you, copies of any other meeting minutes may be provided to you, as appropriate. In some

circumstances it may not be appropriate to provide meeting minutes to you, for example to protect a witness. **You will be given an opportunity to comment on the accuracy and propose amendments to minutes taken at meetings with you and if the proposed amendment is agreed this will be reflected in the minutes.** ~~Notes will be taken of meetings where appropriate and there will be an opportunity for individuals to amend the notes taken. If agreement cannot be reached, both sets of notes will remain as a record of the meeting.~~

- 14.3** Meetings that take place under this procedure should not be recorded. Any recording of meetings will be treated as misconduct which may result in disciplinary action under the Disciplinary Procedure. You will be reminded of this at the start of meetings, and you may be asked to turn off you mobile phones.

Policy administration

- **Who authorised the policy/strategy and date of authorisation** - This policy was agreed with ELT on xxx and UNISON on xxx and confirmed with Personnel Committee on xxx.
- **Policy date for review and responsible officer** - Corporate Lead – Human Resources, 20xx.

Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes and other resources, available on the [intranet](#)

Version	1.0	Date Completed	February 2024
Description of what is being impact assessed			
Performance Improvement Policy revisions			
Evidence			
What data/information have you used to assess how this policy/service might impact on protected groups?			
<p>Anecdotal knowledge and experience of recent performance cases, including feedback from HR colleagues who have been involved in cases and legal advice.</p> <p>Analysis of recent cases against their individual employment records does not indicate that individuals with protected characteristics were the subject of performance cases more than those who do not have protected characteristics.</p>			
Who have you consulted with to assess possible impact on protected groups and what have they told you? If you have not consulted other people, please explain why?			
<p>Feedback from employees as part of recent performance cases has been considered and legal advice sought, which has informed this policy review.</p> <p>UNISON's views are to be sought in March 2024 and will be reflected in this impact assessment.</p>			

Analysis of impact on protected groups				
<p>The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. The Council also has a legal duty to have due regard to armed forces personnel when carrying out healthcare, housing and education functions. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, assess the likely outcome, before you have implemented any mitigation.</p>				
Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<p>Policy supports application of a consistent approach to handling performance issues which does not discriminate on the grounds of any protected characteristic. HR is closely involved with all performance cases to ensure compliance and to mitigate any discrimination risks. The policy, alongside the grievance policy, provides employees with a mechanism to raise concerns should they feel that they are being discriminated against.</p> <p>As part of the process reasonable adjustments on account of disability are considered and this has been explicitly set out in paragraph 5 of the revised Policy.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender reassignment		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marriage and civil partnership		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Pregnancy and maternity	Policy supports application of a consistent approach to handling performance issues which does not discriminate on the grounds of any protected characteristic. HR is closely involved with all performance cases to ensure compliance and to mitigate any discrimination risks. The policy, alongside the grievance policy, provides employees with a mechanism to raise concerns should they feel that they are being discriminated against.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race and ethnicity		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or belief		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sex		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Armed Forces (including serving personnel, families and veterans)	The policy also provides consistency to ensure that people from different backgrounds are treated fairly.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other, e.g. carers, care leavers, low income, rurality/isolation, etc.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Negative outcomes action plan				
Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.				
Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
				<input type="checkbox"/>
If negative impacts remain, please provide an explanation below.				
Completed by:	Jo Fellows – Corporate Lead Human Resources			
Date:	23/02/2024			
Approved by:				
Date:				
To be reviewed by:	Jo Fellows – Corporate Lead Human Resources, in liaison with EDI Advisor			
Review date:	2027 (same time as policy next reviewed)			

Report to: Personnel Committee



Date of Meeting 16 April 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

People Data Report

Report summary:

This report provides key data on the workforce, to support policy decision making and an overview of workforce matters.

Is the proposed decision in accordance with

Budget Yes No

Policy Framework Yes No

Recommendation:

That the Committee endorses the content of the report.

Reason for recommendation:

To support policy decision making and an overview of workforce matters.

Officer: Jo Fellows, Corporate Lead – Human Resources. jfellows@eastdevon.gov.uk

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information [211130 People Data Proposals Report for Personnel Cttee FINAL.pdf \(eastdevon.gov.uk\)](#)

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
-

Report in full

1. This report provides a regular update on key people data, as agreed by Committee in November 2021, and aims to inform policy decisions and to provide an overview of workforce matters. Analysis is summarised below, with the full data at appendix 1.
2. The latest report reflects the data available from the HR system up to the end of February 2024 unless otherwise stated.
3. Particular areas to note are:
 - 4.1. Headcount has reduced by 1 from 554 in December to 553 in February and remains within budget.
 - 4.2. Market supplement numbers have not changed since December and remain at 11. However, we will be seeing an increase to this in the next reporting period due to several failed attempts to recruit to some roles in Housing. Market Supplements are for specific roles where recruitment and retention is challenging because market forces dictate salary levels. Market Supplements are subject to annual review.
 - 4.3. Vacancies are at 44 compared to 29 in December. Appointments have been made to 10 of these vacancies and start dates have been agreed in the forthcoming weeks. When considering this against headcount, vacancies have increased from 5.26% in December to 7.95% in February but have reduced from the reported 8.5% as reported in August 2023.
 - 4.4. The average time taken to fill vacancies has decreased from 72.83 days to 61.69 days since December. Benchmarking data indicates that c100 days is around the average time taken by organisations to fill posts. As previously reported, we have reviewed the recruitment process in order to make it more streamlined and have encouraged managers to deal with vacancies much earlier which has had a positive impact.
 - 4.5. The number of agency workers has decreased by 7 since the last reporting period, with 39 in December compared to 32 in February and has decreased by 13 since August 2023. This is due to permanent recruitment of posts that were being backfilled whilst active recruitment took place.
 - 4.6. As previously reported, the annual cumulative voluntary turnover rate at the end of March 2023 was 12.62% which was higher than the annual turnover rate for 2021/22 which was 9.91%. We are beginning to see a return to pre-pandemic turnover rates and the current forecast for cumulative voluntary turnover for 2023/24 is 8.85% which is lower than pre-pandemic rates. The forecast for non-voluntary turnover has reduced from 2.18% to 2.17% since December 2023.

- 4.7. Sickness absence levels are continuing at a similar level to those reported from December to February. The projected forecast is currently 9.76 days, which is still above the end of year absence target of 8.5 days per FTE. Of note is the following:
- Cold/Flu is still most commonly cited reason for short term absence, followed by phased returns which has returned to second place replacing the previously reported Covid Positive test which is now in third place.
 - There has been no change to the top 3 reasons for medium term absence since last reported in December 23.
 - As has previously been reported, cases of medium- and long-term absence because of personal stress, anxiety and fatigue remain a feature and we continue to promote the wide range of mental health support available through the Council's Happy Healthy Here offer. Additionally, we have just launched a wellbeing champions programme within the Council with the aim of keeping wellbeing high on the agenda.
 - Neurological, headaches and migraines is now in the top 3 reasons for long term absence which has replaced Covid.
 - Sickness absence continues to be actively managed, and employees are supported in accordance with the Absence Management Policy. We are also reviewing our current Occupational Health provider and are under an active tender exercise with the aim of seeking an improved service.

Financial implications:

There are no direct financial implications in the recommendations.

Legal implications:

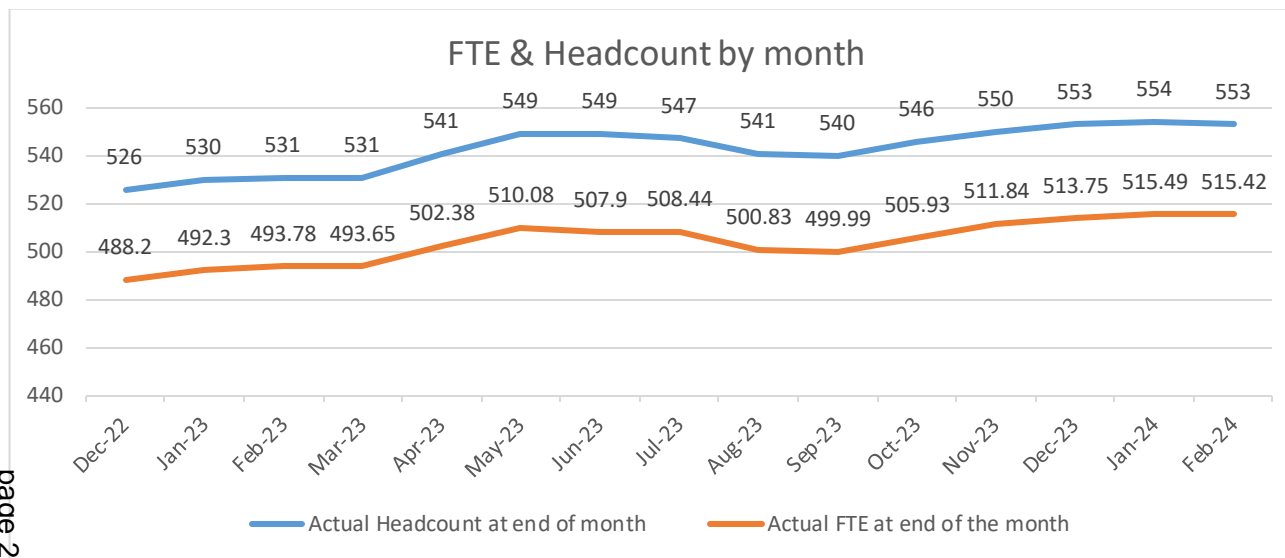
There are no specific legal implications requiring comment.

East Devon District Council People Data

Data as at: 29.02.24



Headcount



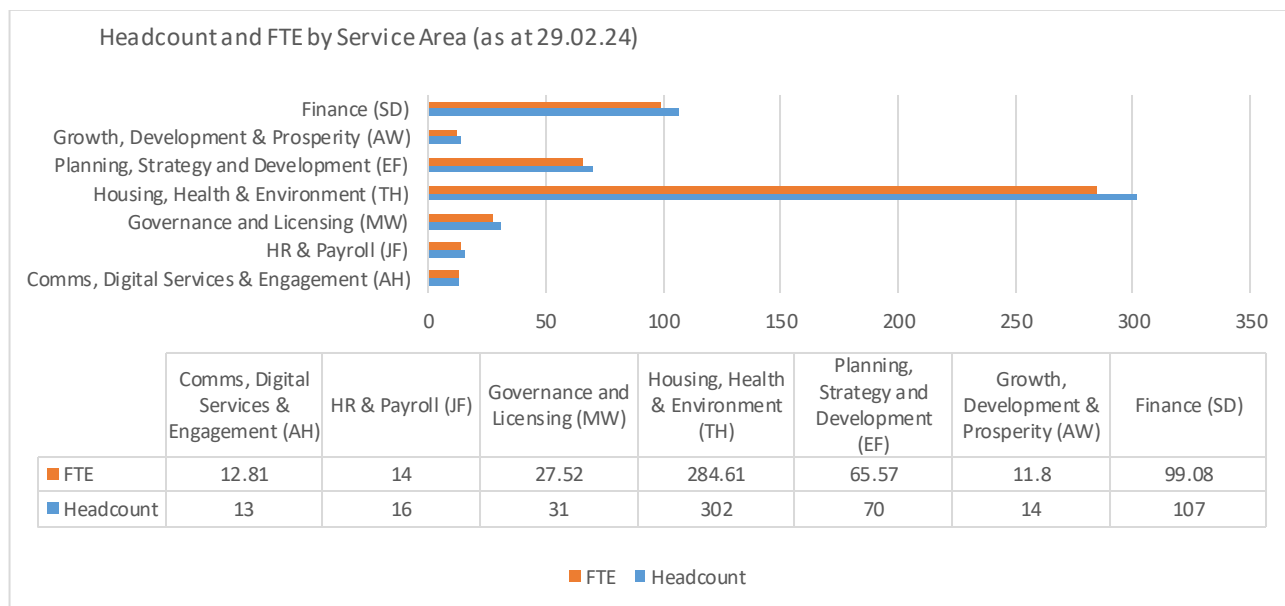
Actual Headcount:	553
Full Time Equivalent:	515.42
Budgeted FTE for 2023/24:	557.3

This data incorporates permanent, fixed term and apprentice employees. It excludes casuals, agency workers and contractors.

Headcount is the actual number of employees.

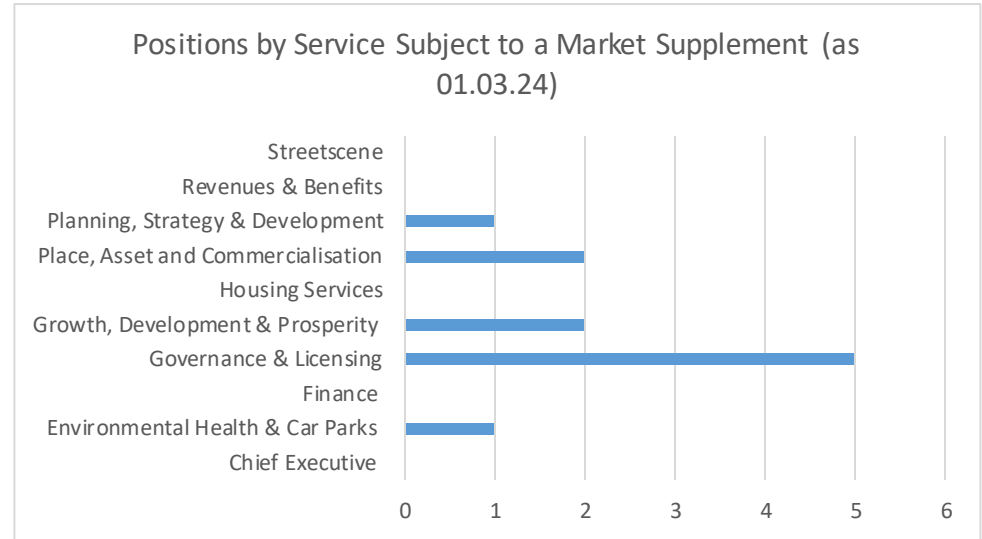
Full Time Equivalent (FTE) measures employees in a way that makes them comparable although they may work a different number of hours per week. The unit is obtained by comparing an employee's average number of hours worked to the average number of full time hours. A full-time person is therefore counted as 1 FTE, while a part-time worker is a proportion of 1 FTE. For example, a part-timer employed for 18.5 hours a week where full-time work consists of 37 hours, is counted as 0.5 FTE.

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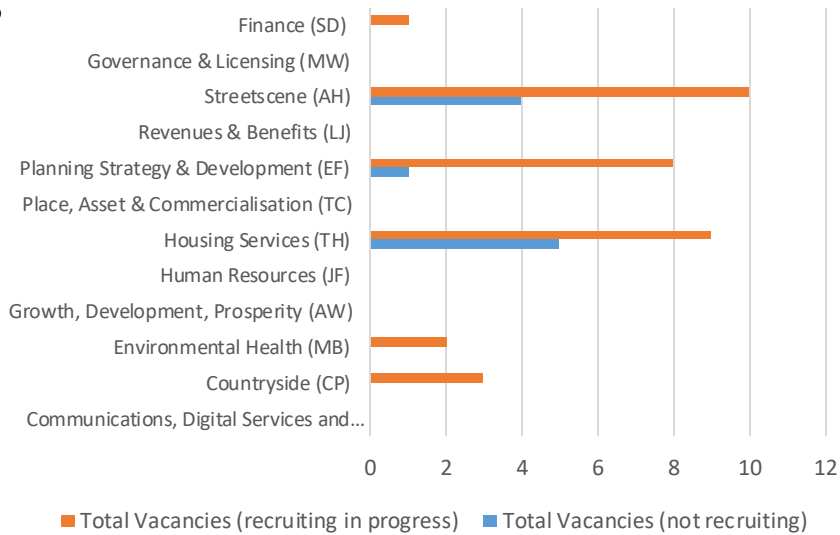
Vacancies, Agency Workers, Market Supplements and

	This month	Last reporting period
Total Vacancies for EDDC (Recruiting in Progress & Not Recruiting)	44 (7.95%)	29 (5.26 % of headcount)
Total number of Market Supplements	11	11
Average length of time a Recruiting in Progress vacancy is vacant	61.69 days	72.83 days
Total Positions filled by Agency	32	39



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Vacancy data by Service (as at 01.03.24)



Last Reporting Period – this was 31 December 2023, as reported to Personnel Committee in January 2024.

NOT Recruiting Vacancies - Vacancies that are not currently part of the recruiting process, where a valid Authority to Recruit is in place or the position has been vacant for less than 1 month. This may be because they are on hold or recruitment is being prepared.

Recruiting in Progress - Vacancies being recruited to.

Average length of time a vacancy is vacant – this counts the number of calendar days a Recruiting in Progress Vacancy has been vacant. The count is from either when the post became vacant or when a new post was added to the HR system. It is only possible to calculate this figure for the Council as a whole due to HR system capabilities.

Agency - The number of posts that are currently filled by Agency Workers. The numbers by Service or costs are not held centrally in the HR system.

Market Supplement – An additional payment made in excess of the job evaluated grade because of recruitment issues linked to market pressures, as per the Market Supplement Policy. Based on the number of people rather than vacant positions that may attract a market supplement.

Turnover

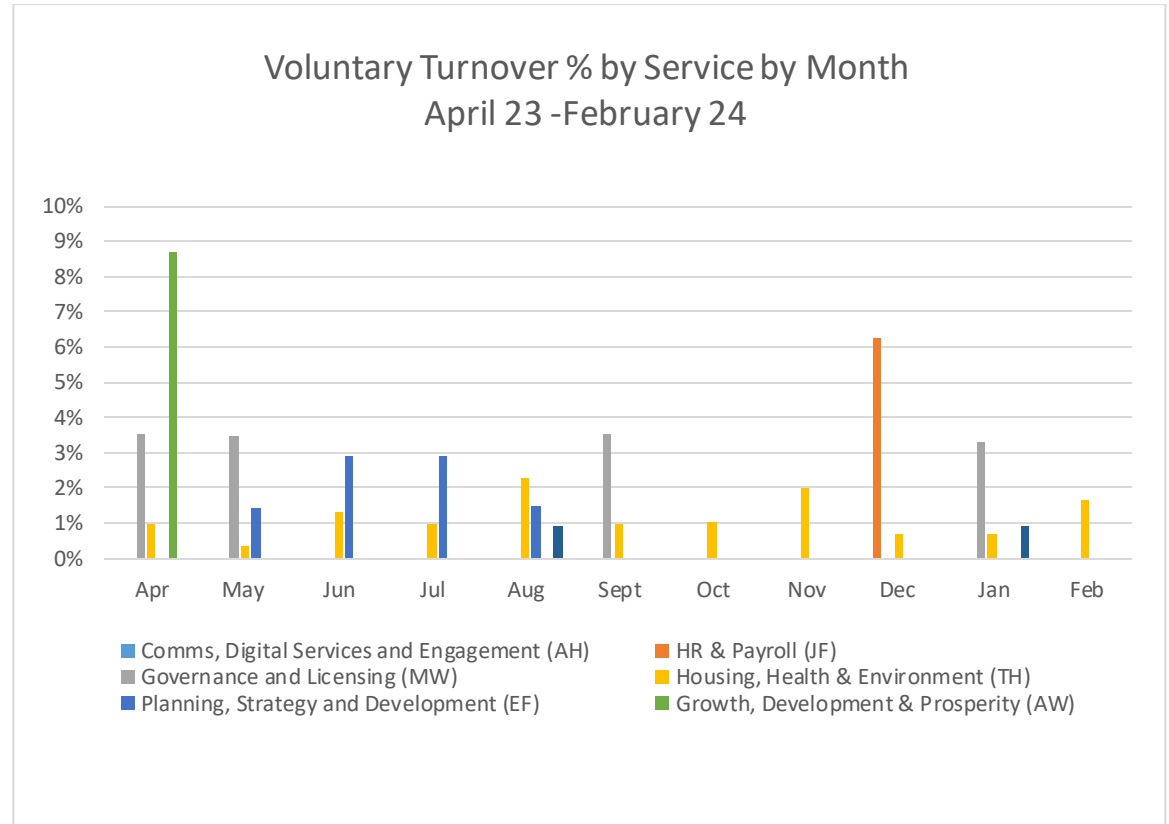
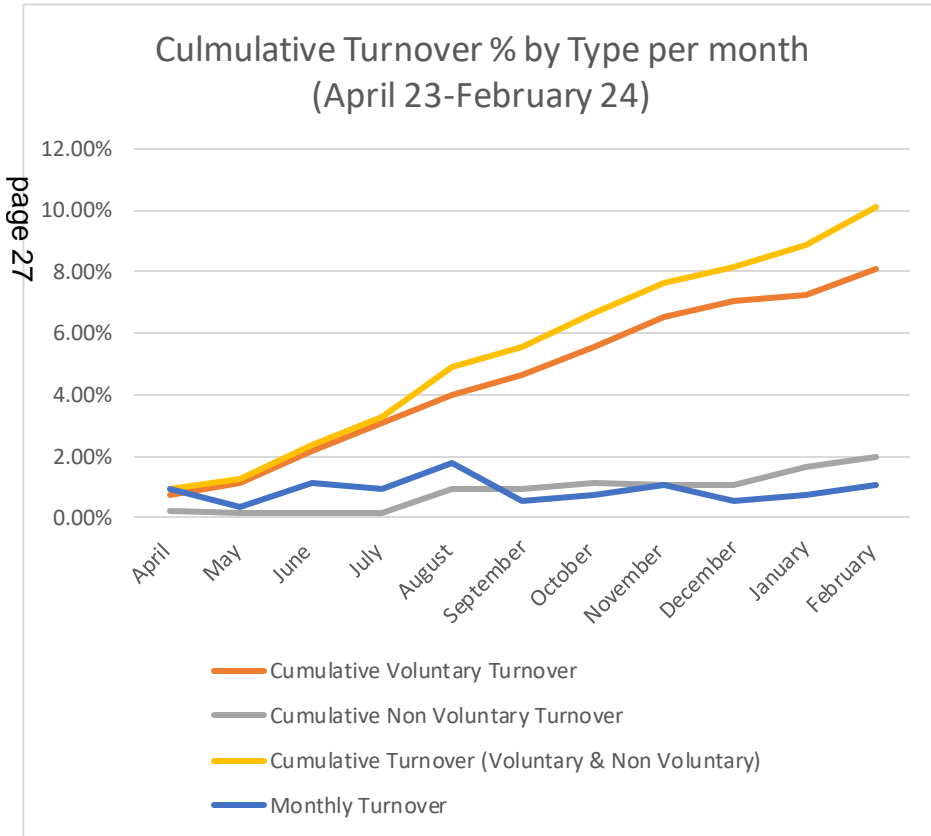
Cumulative Voluntary Turnover as at 29.02.24	Projected Voluntary Turnover	Cumulative Non-Voluntary Turnover as at 29.02.24	Projected Non Voluntary Turnover	Cumulative Turnover (Voluntary & Non-Voluntary)	Projected Turnover (Voluntary & Non Voluntary)
8.12%	8.85%	1.99%	2.17%	10.11%	11.02%

Employee turnover is measured by the percentage of leavers during a period and is shown as a cumulative month on month trend.

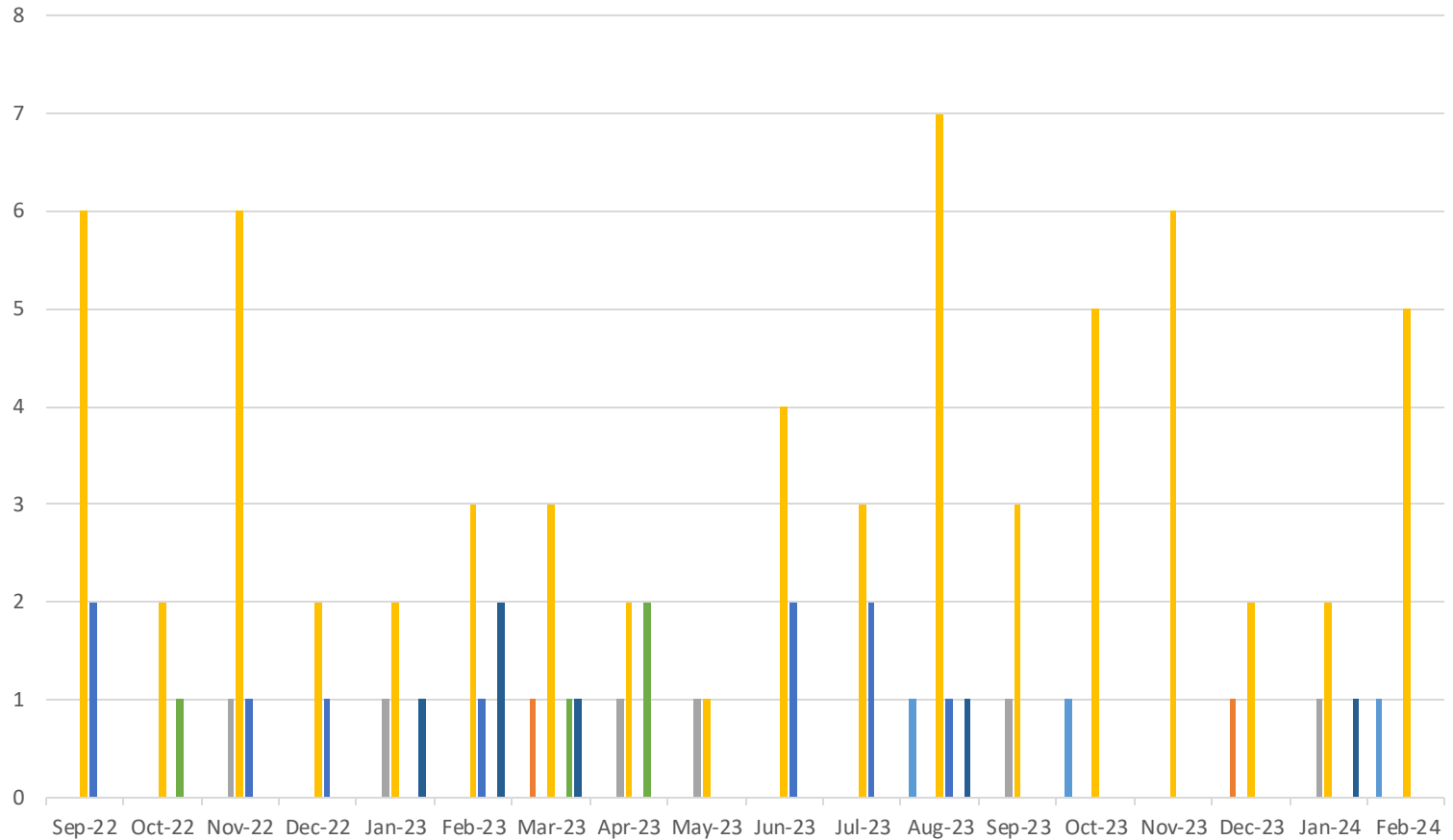
Voluntary turnover only includes resignations.

Non-voluntary Turnover includes dismissals, redundancy, end of fixed term contracts, and ill health retirement.

Projected turnover figures are estimates for the whole year based on information to date, this figure will fluctuate and stabilise as we progress through the fiscal year.



Actual Leavers by Service for the period December 22 to February 24



	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24
Chief Executives/Comms	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	1
HR & Payroll (JF)	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0	0
Governance and Licensing (MW)	0	0	1	0	1	0	0	1	1	0	0	0	1	0	0	0	1	0
Housing, Health & Environment (TH)	6	2	6	2	2	3	3	2	1	4	3	7	3	5	6	2	2	5
Planning, Strategy and Development (EF)	2	0	1	1	0	1	0	0	0	2	2	1	0	0	0	0	0	0
Growth, Development & Prosperity (AW)	0	1	0	0	0	0	1	2	0	0	0	0	0	0	0	0	0	0
Finance (SD)	0	0	0	0	1	2	1	0	0	0	0	1	0	0	0	0	1	0

- Chief Executives/Comms
- HR & Payroll (JF)
- Governance and Licensing (MW)
- Housing, Health & Environment (TH)
- Planning, Strategy and Development (EF)
- Growth, Development & Prosperity (AW)
- Finance (SD)

Sickness Absence

Working days lost per FTE (Apr 23 to February 24)	Working days lost per FTE (Apr 23 to February 23)	Working days lost per FTE for last Reporting Period (December 2023)	This reporting period (February 2024)
8.95 (0.81 days per month) *	4.90 (0.98 days per month)	0.77 days	0.81 days

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Working days lost per FTE by service area April 23 to February 24

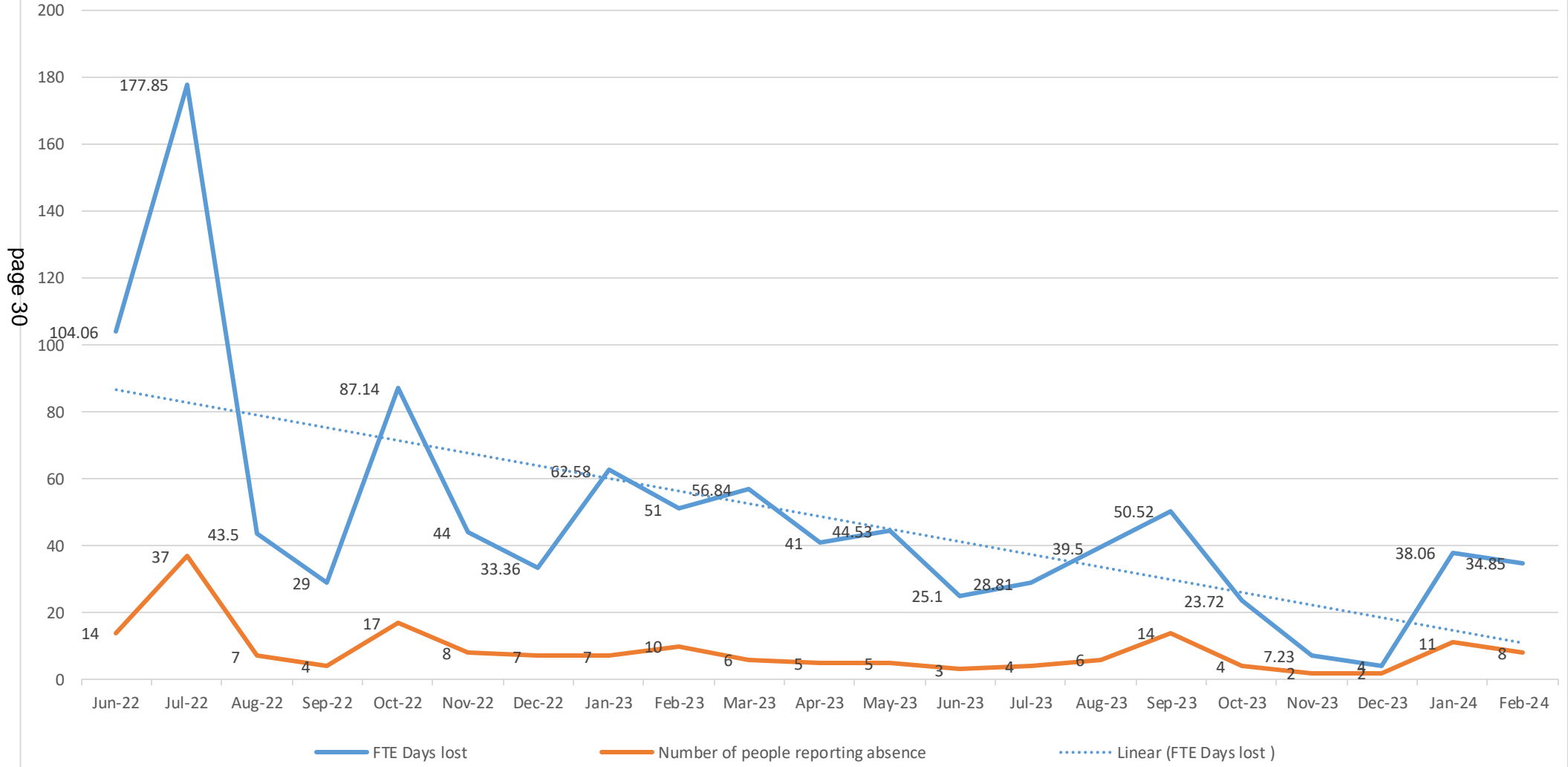


	Chief Executive & Support	HR & Payroll	Governance & Licensing	Housing, Health & Environment	Planning, Strategy & Development	Growth, Dev't, & Prosperity	Finance
April	2.72	0.21	0	0.87	0.87	0	0.4
May	1.85	0	0.19	1.04	0.71	0	0.66
June	1.71	0.1	0.08	1.03	0.84	0	0.5
July	2.18	0.49	0.12	0.8	0.66	0	0.42
August	2.71	0	0.1	0.75	0.51	0	0.2
September	1.81	0.39	0.14	0.78	0.4	0	0.64
October	1.07	0	0.49	0.91	0.51	0.08	0.52
November	0	0.14	0.02	1.08	0.49	0	0.8
December	0.51	0.14	0.08	0.72	0.29	0	0.38
January	0.89	0.87	0.57	1.22	0.47	0.16	1.25
February	1.93	0.3	0.58	0.84	0.37	0.25	1.28

Top 3 reasons for absence	
Short term (<8 days)	<ol style="list-style-type: none"> 1. Cold/Flu 2. Phased Return 3. Covid (Positive Test)
Medium term (>8 days, <2 months)	<ol style="list-style-type: none"> 1. Other Muscular -Skeletal Problems 2. Personal stress, anxiety, fatigue 3. Stomach, Kidney, Liver, Digestion
Long term (>2 months)	<ol style="list-style-type: none"> 1. Personal Stress/Depression/Anxiety 2. Other Muscular-Skeletal Problems 3. Neurological Headaches/migraines

**Based on current information the projected figure for end of year absence per FTE is currently 9.76 days per FTE, the annual target is 8.5 days per FTE*

FTE days lost to Covid-19 (Positive Test) June 22- February 24



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By virtue of paragraph(s) 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted