



Complete Agenda

Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

LANGUAGE COMMITTEE

Date and Time

2.00 pm, THURSDAY, 21ST APRIL, 2016

Location

Ystafell Gwyrfai, Council Offices, Caernarfon, Gwynedd. LL55 1SH

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(DISTRIBUTED 13/04/16)

LANGUAGE COMMITTEE

MEMBERSHIP (15)

Plaid Cymru (8)

Councillors

Craig ab Iago
Alan Jones Evans
Sian Gwenllian
R. Hefin Williams

Elwyn Edwards
Gweno Glyn
Charles Wyn Jones
John Wyn Williams

Independent (4)

Councillors

Thomas G. Ellis
Eirwyn Williams

Eric M. Jones
Elfed Williams

Llais Gwynedd (2)

Councillors

Alwyn Gruffydd

Owain Williams

Labour (1)

Councillor Sion W. Jones

Aelodau Ex-officio / Ex-officio Members

Chairman and Vice-Chairman of the Council

Other Invited Member

Councillor Dyfrig Siencyn, Cabinet Member - The Welsh Language

A G E N D A

1. APOLOGIES

To receive apologies for absence.

2. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest

3. URGENT BUSINESS

To note any items that are a matter of urgency in the view of the Chairman for consideration

4. MINUTES

1 - 5

The Chairman shall propose that the minutes of the previous meeting of this committee held on 14th January, 2016 be signed as a true record (attached)

5. REPORT OF THE CABINET MEMBER - THE WELSH LANGUAGE

To submit the verbal report of the Cabinet Member – The Welsh Language.

6. LANGUAGE COMPLAINTS

6 - 7

To submit the report of the Language Development Officer (attached).

7. LANGUAGE STANDARDS AND THE COUNCIL'S LANGUAGE POLICY (EMPLOYMENT ISSUES)

8 - 17

To submit the report of the Head of Corporate Services

LANGUAGE COMMITTEE 14/01/16

Present: Councillor Gweno Glyn (Chair)

Councillors: Elwyn Edwards, Tom Ellis, Alan Jones Evans, Alwyn Gruffydd, Siân Gwenllian, Charles W.Jones, Eric M. Jones, Sion Jones, Eirwyn Williams, Elfed Williams, Hefin Williams, John Wyn Williams and Owain Williams.

Also present: Councillor Dyfrig Siencyn (Cabinet Member - Welsh Language).

Officers: Arwel Ellis Jones (Senior Manager – Democracy and Delivery), Meilys Heulfryn Smith (Senior Business Manager), Gwenllian Williams (Language Development Officer), Catrin Parri (Workforce Development Officer / Welsh Language Co-ordinator) and Eirian Roberts (Member Support and Scrutiny Officer).

Councillor Owain Williams was welcomed to the meeting.

1. DECLARATION OF PERSONAL INTEREST

Councillor John Wyn Williams declared a personal interest in item 9 on the agenda - Update on a Meeting with Cartrefi Cymunedol Gwynedd - as he was a member of the Board of CCG.

The member was not of the opinion that it was a prejudicial interest and he participated fully in the discussion on the item.

2. MINUTES

The Chair signed the minutes of the previous meeting of this committee held on 22 October, 2015 as a true record.

3. REPORT OF THE CABINET MEMBER - THE WELSH LANGUAGE

Submitted – the verbal report of the Cabinet Member - Welsh Language, detailing recent developments in the field, including:-

- The conditional confirmation of the success of the grant to promote the use of the Welsh language.
- The work of establishing the new language centre in Bangor.
- A conference on 22 January in Llanrwst to launch the Language Charter across the north Wales counties.
- A conference on 13 January organised by Welsh Government as part of the consultation on a follow-on strategic framework on the More than Just Words scheme.
- Welsh Government consultation on proposed changes to the Technical Advice Note (TAN) 20 in relation to Planning and the Welsh language.
- The intention to build a relationship with Dr Rhian Hodges and Dr Cynog Prys from Bangor University, who specialise in linguistic policy and planning.
- Discussions on the Language Standards and their impact on the Council's Language Policy.

- The intention to submit the recommendations of the Language Investigation - The Use of the Welsh Language at External Meetings to the Cabinet on 19 January for adoption and implementation.

The following matters were discussed:-

(A) TAN 20 Consultation

The Senior Manager – Democracy and Delivery noted:-

- That the Planning Department intended to arrange a seminar for members on the afternoon of 8 March in order to give members of the Communities Scrutiny Committee, this committee and others an opportunity to influence the national guidance by contributing their observations on the proposed changes.
- In addition, that local guidance was being developed and that the Cabinet Member had expressed his intention to discuss the local guidance with the Communities Scrutiny Committee and this committee.

It was agreed, for ease, to circulate a link to the existing TAN 20 on the Welsh Government website to committee members.

(B) Collaboration with Bangor University

It was asked whether it would be possible to invite experts on linguistic policy and planning to a meeting of the Language Committee. The Cabinet Member replied by saying that further discussions were needed with the University first of all to sift through academic material to see what would be relevant to the Council and that it would be possible to come back to the Language Committee after developing the discussion further.

(C) Place Names

The Senior Manager – Democracy and Delivery noted:-

- As a result of the decision at the previous meeting to press for the inclusion of a clause regarding the Welsh language in the Historic Environment Bill, a response was received by the Chair of the committee in the *Senedd* which discussed the bill stating that the bill had been amended, in November 2015, to include a section which required Welsh Ministers to create and maintain a list of historic place names in Wales (namely the new section 33 in the Bill).
- That the Bill had also been amended to make it a requirement for Historic Environment Records (which would be prepared by local planning authorities) to provide a method of obtaining the details of every historic place name in the area of that authority which had been included in the list which would be created and maintained by Welsh Ministers.

During the discussion:-

- It was agreed to wait and see what the guidance would state and consider at that time how this Council and the local communities and the local parish councils could contribute to the process.
- A member referred to the unwillingness of *Snowdonia Active* to correspond through the medium of Welsh and it was asked whether it would be possible to persuade them. The Senior Manager – Democracy and Delivery asked the member to send the relevant details to the officers, but the Cabinet Member warned that he could not see how they could be forced to do so as they were

a private company. The need to support companies to be bilingual was emphasised, rather than finger-pointing. In response, the Cabinet Member explained that this was a fundamental part of the work of Hunaniaith and the Language Development Officer elaborated on the work of advising the business sector and noted that the outdoor sector was a difficult field as it served many customers from outside Wales.

- It was noted that a grant could be claimed from the Language Board in the past to have Welsh-language signage for businesses and vans and the Senior Manager – Democracy and Delivery noted that the next language investigation would look at how visual the Welsh language was and the Council's influence to that end.

RESOLVED to note the content of the report.

4. PRESENTATION BY THE LEARNING AND DEVELOPMENT TEAM

A presentation was given by the Workforce Development Officer / Welsh Language Co-ordinator on the process of developing non-Welsh-speaking staff, with reference to the existing situation, the dispersal of staff who were Welsh-learners throughout the county, steps to support learners and the way forward.

Members were given an opportunity to ask questions and make observations. The following was discussed:-

- The difficulty of identifying people in the system as managers were not always clear regarding what the language level for the post was, and consequently the staff were not referred to language training.
- The difficulty in the care field in relation to the failure to provide the service in the client's preferred language due to difficulties with staff recruitment. It was noted that the situation was better in Council homes than in private homes. It was suggested that the company which provided care in Pant yr Eithin, Harlech did not meet the requirements of the contract and the Senior Business Manager agreed to obtain confirmation of the situation. The importance of working with children and young people in the schools and colleges in order to address the recruitment crisis in the care field was emphasised.
- The internal audit of the linguistic skills of staff.

The Workforce Development Officer / Welsh Language Co-ordinator was thanked for the presentation and for the discussion.

5. MORE THAN JUST WORDS

A presentation was given by the Senior Business Manager regarding the progress of the More Than Just Words Task Group, with reference to:-

- The background to Welsh Government's strategic framework for Welsh-language services in Health, Social Services and Social Care and the current consultation on a follow-on strategic framework which would be a stronger foundation to empower the fields of care and health to implement the strategy.
- The work and findings of the Task Group and the steps taken in response to that. It was explained that the Task Group had not met since May 2015 as it had been waiting for the new Language Standards in order to obtain clarity, but that the group needed to reconvene now. It was also noted that there was a need to review the membership of the Task Group in order to ensure that it was current.
- Examples of good work underway in the community.

- The need to change the monitoring procedure as only two officers were monitoring over 60-70 homes and 100 home carers.
- Technological developments in the field, such as a new information technology system which recorded client information and machine translation in the field of health and care.
- The idea of sharing resources in terms of workers with other councils and to see More Than Just Words being dispersed further afield.

Members were given an opportunity to ask questions and make observations. The following was discussed:-

- The need to give priority to addressing the need in Gwynedd for Welsh-speaking carers, or any carers, by establishing a collaboration scheme with schools and colleges over several years. It was noted, nevertheless, that there was much to take pride in in Gwynedd and that this momentum needed to be maintained.
- The need to have an input on a corporate level to the work of the Task Group. It was noted that there was much activity in the field on a local and regional level; however there was no scheme in place in order to respond to the problem.
- The need to respond to the consultation on the follow-on strategic framework. It was noted that the basic principles within it were very firm, but that it was the implementation that was a problem. The Member and Scrutiny Support Officer was asked to send a link to the document to the members and the Senior Business Manager urged everyone to take the time to read the document and respond to it by the closing date of 28 February.

RESOLVED

- (a) To ask the Cabinet Member for the Welsh Language, jointly with the Cabinet Member for Care, to have a discussion with Morwena Edwards, Corporate Director, who leads on this project, in order to see how More Than Just Words could be tied-in to any other strategy that the Council has to provide in the care field, consider what the Task Group has done to date and what it needs to do and to submit a report to this committee.**
- (b) That the members submit any observations on the follow-on strategic framework for the attention of the Senior Business Manager before 28 February.**

The Senior Business Manager was thanked for the presentation and for the discussion.

6. THE COUNCIL'S LANGUAGE STANDARDS AND POLICY

Submitted – the report of the Senior Manager (Democracy and Delivery) inviting the committee's observations on the draft language policy for the Council prior to it being submitted to the full Council on 3 March for adoption.

During the discussion:-

- It was emphasised that the minimum set by the Standards was too low to address this Council's ambition for the Welsh language in several of the fields and it was not wished to see the Council's current position being weakened.
- In response to an observation that the English version of the Council's website was the default option when searching for Gwynedd Council on search engines, the Language Development Officer explained that she believed that it was the individual user's cookies which caused the website to go to the English page rather than the Welsh. It was asked whether it would be possible to investigate this again and the Cabinet Member agreed to make enquiries.

RESOLVED

- (a) **As paragraphs 3.1 and 3.3 of the policy both referred to making contributions at meetings through the medium of Welsh or English, to delete paragraph 3.1 and insert paragraph 3.3 as the new paragraph 3.1.**
- (b) **To ask the Senior Manager - Democracy and Delivery to enquire with the Head of Corporate Support Department whether there is a time-frame within which a non-Welsh-speaking person appointed to a post is expected to learn the language and what would happen should that person not reach the requirements within that time-frame, in order to submit the policy to the full Council in March.**

7. UPDATE ON THE MEETING WITH CARTREFI CYMUNEDOL GWYNEDD

Submitted - the report of the Language Development Officer presenting an update on a meeting with Cartrefi Cymunedol Gwynedd as a result of a complaint received by the Language Committee regarding CCG's implementation of its Language Scheme and its intention to advertise two senior manager posts without the designation of the Welsh language being an essential skill.

During the discussion:-

- It was emphasised that the deputation that discussed with the Chief Executive of CCG did not accept the difficulties, and absolute opposition to the company's decision to contravene its own language policy and scheme was expressed.
- It was noted that CCG should be asked for written assurances that it would not contravene its language policy in future; that the Welsh language will be an essential skill for the post of Customer and Communities Director, which would be advertised shortly, and that the two non-Welsh-speaking managers appointed in 2015 were learning Welsh.
- It was suggested that councillors and people in general had a responsibility to seek to direct the right people to these types of jobs.
- It was noted that, in terms of the Council's perspective, any contracts with the third sector, or whoever else, must ensure that it was explicit that those bodies were required to adhere to their language policies and that it would be beneficial to have an update on that as duties or responsibilities transferred to other bodies as a result of any cuts.
- It was noted that the Language Commissioner's officers were undertaking a piece of work on the implications of outsourcing services on the Welsh language and that it would be beneficial to submit that piece of work to the committee so that it could be a factor that would be in the forefront of the Council's mind as it was required to make decisions to outsource.

RESOLVED

- (a) **To ask the Language Development Officer to arrange a meeting with the Chief Executive of Cartrefi Cymunedol Gwynedd to discuss the aforementioned opportunities and concerns, and to ask specifically for written assurances from them:-**
 - **That it will not contravene its language policy in future.**
 - **That the Welsh language will be an essential skill for the post of Customer and Communities Director, which will be advertised shortly.**
 - **That the two non-Welsh-speaking managers appointed in 2015 are learning Welsh.**
- (b) **To report back to this committee on the results of the work of the Language Commissioner on the implications of outsourcing services on the Welsh language.**

8. LANGUAGE COMPLAINTS

Submitted – the report of the Language Development Officer detailing the latest language complaints to hand.

RESOLVED to note the content of the report.

The meeting commenced at 10.30 am and concluded at 1.20 pm

CHAIRMAN

Agenda Item 6

MEETING:	LANGUAGE COMMITTEE
DATE:	21 April 2016
TITLE:	LANGUAGE COMPLAINTS
AUTHOR:	GWENLLIAN MAIR WILLIAMS LANGUAGE DEVELOPMENT OFFICER
PURPOSE OF REPORT	PRESENT THE MOST RECENT COMPLAINTS TO THE COMMITTEE.

FORMAL COMPLAINTS AGAINST THE LANGUAGE PLAN

DATE	COMPLAINT	RESPONSE.
January 2016	<i>Referred to the language unit for our information:</i> complaint that the Benefits department had sent out an English only letter to a member of the public.	The service manager had made enquiries and found that it was a mistake on the part of one of the officers. An apology was sent to the complainant, reassuring them that staff were given clear guidance in regards to responding to language choice, and giving a promise that forms will be sent in Welsh only in the future.

INFORMAL COMPLAINTS

DATE	COMPLAINT	RESPONSE.
February 2016	<p>An enquiry was received about the linguistic clauses of the service agreements with two cafes that operate in Council owned buildings.</p> <ol style="list-style-type: none"> Caffi Seibiant@Storiel The café owner had been posting on facebook advertising the business in English only. Café in Glaslyn Leisure Centre Complaint about English speaking staff 	<p>The current contracts with both cafes were read. Both included a clause that asked staff to be bilingual and that the owners display bilingual signs and poster.</p> <p>The contracts did not specify the use of the Welsh language in promotion and advertising.</p> <p>An enquiry had also been received by members of Menter Iaith Bangor. It was decided best to deal with the matter informally, and a visit was paid to the café. The owner was aware of the complaints and confirmed that the museum staff we're helping her with easy translations for signs and menus. Iaith Gwaith resources were provided for the staff and a short language awareness session was organised. 5 members of staff attended the session, and the museum staff and Menter Iaith Bangor will be able to give support in the longer term.</p> <p>A letter has been sent to the owners of the lease, reminding them of the clauses of the service agreement. No reply has been received so far, but there will need to be a further conversation with the Leisure service manager to agree on a way forward if there is no change.</p>
February 2016	Enquiry regarding the use of an English place name on an OS map (Black Rock Sands).	Having made initial enquiries, it is not clear when the English name was approved. The OS could only confirm that after the initial query in January

	<p>The enquirer had contacted the OS to ask why the English name was being used rather than a Welsh one, and the OS had replied saying that Gwynedd Council had confirmed that the English name was the name commonly used locally.</p>	<p>2016, one of their Data Investigation team had contacted Gwynedd Council, and got a confirmation that the “English spelling was the one in common usage”. OS could not confirm who the officer had spoken to, but it seems they had taken the confirmation of the name as confirmation that the use of the English name was acceptable.</p>
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Agenda Item 7

MEETING:	LANGUAGE COMMITTEE
DATE:	21 ST APRIL 2016
TITLE:	LANGUAGE POLICY
AUTHOR:	GERAINT OWEN, HEAD OF CORPORATE SUPPORT
PURPOSE OF THE REPORT:	OUTLINE ARRANGEMENTS FOR ACTING UPON THE REQUIREMENTS OF THE LANGUAGE POLICY IN RELATION TO RECRUITING AND APPOINTING

BACKGROUND

At the meeting of the Language Committee on the 14th January this year, a report was submitted in which members were invited to comment on the draft language policy for the Council prior to submitting the final draft to full Council for adoption.

The Council adopted the policy at its meeting on the 3rd March and during the discussion there and at the Language Committee in January, comments were made in relation to the arrangements and the timetable for non-Welsh speaking staff to learn Welsh to the appropriate level.

The Language Committee's decision on the 14th January requests that the Senior Manager enquires with the Head of Corporate Support in respect of "is there a timetable in terms of when a non-Welsh speaking person who is appointed to a post is required to learn the language and what happens if that individual does not fulfil those requirements within the timetable".

At the same meeting, Committee members received a presentation by the Workforce Development Officer/ Welsh Language Co-ordinator on the support provided to staff when learning Welsh and the problems faced e.g. lack of clarity in terms of language levels for a post and the lack of referrals for language training as a consequence.

DENOTING LANGUAGE REQUIREMENTS FOR POSTS

In accordance with the Language Policy's requirement (and the previous Language Scheme) each post within the Council has an identified language level (see the Framework in Appendix 1). The levels enable the Council to identify the language requirements of the specific post, in both Welsh and English under three headings i.e. listening and speaking, reading and understanding as well as writing.

The language level for each heading is denoted as;

Basic
Intermediate
Able
Fluent

With a brief explanation confirming what is required in practical terms. However, there is evidence that not enough consideration is given prior to denoting the appropriate language level for posts e.g. "fluent" level identified for a post where there is no requirement to present written reports.

Even when an appropriate language level is identified and the individual appointed needs to learn or improve his/her Welsh to attain the relevant level, no recognised criteria exists for the current levels with all assessments dependent to a large extent on the interpretation and professional opinion of the co-ordinator in consultation with the line manager.

In light of this, work is being undertaken in order to address the situation by, initially, denoting practical language levels which correspond with the WJEC Welsh for Adults language levels, namely, Entry, Basic, Intermediate and Higher (see Appendix 2).

Final agreement on these definitions would not only provide improved guidance for managers when denoting appropriate language levels but would also provide recognised standards for measuring the individual's progress and achievement.

Reference is made in the minute from the meeting on the 14th January 2016 to the timetable for learning Welsh to the appropriate level. No timetable is set for learners but the Welsh for Adults guidelines are used, which themselves acknowledge that an appropriate timetable for different individuals needs to be flexible and will vary from one learner to the next i.e. as a guideline, the following is offered;

Entry – 120 hours

Basic – 120 hours

Intermediate – 240 hours

Higher – 360 hours

This would mean a total of 850 hours for an individual appointed to a post which requires the post holder to be fluent in Welsh and where the officer would have no previous ability to communicate in Welsh.

Here is a quote from one of the Welsh for Adults providers:

“We used to persuade people to follow the Basic after two years of Wlpan, but we consider that to be over-ambitious for the majority. Most learners follow the Basic at the end of their third year these days and the Intermediate at the end of the fourth.”

The expert guidance therefore suggests that we should not be setting specific time limitations and that there should be space for flexibility if we are to see individuals succeeding.

UNDERPERFORMANCE

However, it is acknowledged that there is a requirement in future to address situations where the level of achievement is not acceptable, in the same manner as the Council would address underperformance relating to any other aspect of an individual officer's work (see appended a copy of the Dealing with Underperformance Policy within the local conditions of service).

The policy's aim is to improve performance and identify steps to be taken and targets to be attained when there is concern relating to an individual's ability to undertake responsibilities effectively.

RECOMMENDATION

That the Committee presents comments on the current and proposed arrangements whilst voicing its support to the overall intended course of action.

Framework For Denoting Language Requirements of Posts and Staff

	Basic GS1	Intermediate GS2	Able GS3	Fluent GSRh
Listening and Speaking	Able to follow instructions and understand a simple conversation in both English and Welsh on familiar matters and respond to simple requests for information	Able to conduct a simple conversation in the daily context of the job in both English and Welsh by using specific words and language which occur regularly in order to convey information and discuss specific issues <u>If relevant</u> Able to make a simple presentation which has been prepared and respond to questions In both English and Welsh	Able to follow a conversation or on a professional level discussion in both English and Welsh and discuss general work topics in order to convey information or provide an opinion <u>If relevant</u> Able to make a presentation which has been prepared and answer any questions which arise in both English and Welsh	Able to deal with all aspects of the job verbally in a confident manner in both English and Welsh
	D1	D2	D3	DRh
Reading and Understanding	Able to read and understand very simple letters, messages, leaflets, signs and articles in both English and Welsh on familiar day to day matters in order to transfer the information to another person	Read and understand simple memoranda and information literature in both English and Welsh relevant to the post and understand reports on familiar subjects in Plain Welsh	Able to glean information from a variety of sources such as letters, reports, articles in both English and Welsh in order to fulfill the requirements of the post	Able to use and interpret correctly any information in both English and Welsh from a wide variety of sources in order to deal with all aspects of the post
	Y1	Y2	Y3	YRh
Writing	Able to complete a standard form and write a short memo or letter in both English and Welsh by using a set number of familiar phrases in order to convey a simple message	Able to write letters, memos, and short reports in both English and Welsh by using simple sentences and phrases familiar to the individual's work	Present written information confidently in the form of a letter, more technical report and respond to written requests by conveying information, opinion and ideas in both English and Welsh (Help available to check written work)	Able to present written information in both English and Welsh with complete confidence using the most appropriate language and style to meet the needs of the reader

Listening and Speaking

Able to deal with all aspects of the job verbally in a confident manner in both English and Welsh.

Reading and Understanding

Able to use and interpret correctly any information in both English and Welsh from a wide variety of sources in order to deal with all aspects of the post.

Writing

Able to present written information in both English and Welsh with complete confidence using the most appropriate language and style to meet the needs of the reader.

Framework for Denoting Language Requirements for Posts and Staff

	Basic	Intermediate	Able	Fluent
Listening and Speaking	GS1 Entrance Level	GS2 Basic Level	GS3 Intermediate/Advanced Level	GSRH Advanced Level +
	Able to follow instructions and understand a simple conversation in both English and Welsh on familiar matters and respond to simple requests for information	Able to conduct a simple conversation in the daily context of the job in both English and Welsh by using specific words and language which occur regularly in order to convey information and discuss specific issues <u>If relevant</u> Able to make a simple presentation which has been prepared and respond to questions In both English and Welsh	Able to follow a conversation or on a professional level discussion in both English and Welsh and discuss general work topics in order to convey information or provide an opinion <u>If relevant</u> Able to make a presentation which has been pre prepared and answer any questions which arise in both English and Welsh	Able to deal with all aspects of the job verbally in a confident manner in both English and Welsh
Reading and Understanding	D1 Entrance Level	D2 Basic/Intermediate Level	D3 Intermediate/Advanced Level	DRh Advanced Level +
	Able to read and understand very simple letters, messages, leaflets, signs and articles in both English and Welsh on familiar day to day matters in order to transfer the information to another person	Read and understand simple memoranda and information literature in both English and Welsh relevant to the post and understand reports on familiar subjects in Plain Welsh	Able to glean information from a variety of sources such as letters, reports, articles in both English and Welsh in order to fulfill the requirements of the post	Able to use and interpret correctly any information in both English and Welsh from a wide variety of sources in order to deal with all aspects of the post
Writing	Y1 Basic Level	Y2 Intermediate Level	Y3 Advanced Level	YRh Advanced Level +
	Able to complete a standard form and write a short memo or letter in both English and Welsh by using a set number of familiar phrases in order to convey a simple message	Able to write letters, memos, and short reports in both English and Welsh by using simple sentences and phrases familiar to the individual's work	Present written information confidently in the form of a letter, more technical report and respond to written requests by conveying information, opinion and ideas in both English and Welsh (Help available to check written work)	Able to present written information in both English and Welsh with complete confidence using the most appropriate language and style to meet the needs of the reader



2.3 DEALING WITH UNDERPERFORMANCE

1.0 POLICY STATEMENT

- 1.1 Gwynedd Council is committed to provide high quality public services to the residents of Gwynedd. In order to enable it to provide those services it is essential that the Council gives regular support to its workforce so that it performs to its full potential. This involves fostering a culture of continuous improvement in which every individual employee takes responsibility for his/her own performance.
- 1.2 In order to support this culture and drive performance improvement, the Council has in place a corporate performance management framework and a corporate appraisal system. These structures enable employees to understand how their performance contributes to achieving the Service's objectives and therefore contribute to the continuous improvement process.
- 1.3 In this context, the Council recognises that the majority of employees will be performing to at least an acceptable level. However, there will be some circumstances where individual employees fail to perform to the required standards. This policy for Dealing with Underperformance explains how the Council will deal with such situations with the overall objective of helping an individual to achieve and maintain the acceptable performance standards.
- 1.4 The primary aim of this policy is to provide line managers with a framework for assisting employees who do not perform to a satisfactory level in line with corporate standards. It will be used to identify problem areas and agree steps with the employee to redress the identified problems.
- 1.5 Underperformance issues will not be ignored. Line managers will deal with such issues in a quick and efficient manner. All timescales will be adhered to so as to ensure minimum discomfort and disruption to the relevant parties and to try and ensure that the employee is performing to the expected standards as soon as possible.

- 1.6 The policy will be applied in a fair, systematic and consistent manner, irrespective of age, race, religion or belief, sex, sexual orientation, disability or nationality.
- 1.7 **This policy will not be used to deal with situations concerning the medically certified long-term sickness absence of an employee. A specific procedure has been produced to deal with such situations, as provided in the Sickness Absence Management Procedure.**
- 1.8 The policy is in keeping with all of the relevant legislation, including the Employment (Dispute Resolution) Regulations 2004 and the Equality Act 2010.

2.0 THE PERSONS TO WHOM THIS POLICY APPLIES

- 2.1 This policy will apply to all employees, with the exception of Heads of Department, Strategic Directors, the Chief Executive and staff who are regulated by School Governors.

3.0 GENERAL PRINCIPLES

- 3.1 This Dealing with Underperformance Policy aims to ensure that line managers:
- establish clear performance criteria
 - monitor performance
 - are consistent in how employees with widely differing responsibilities and duties are given opportunities to attain and maintain satisfactory levels of performance
 - provide assistance, in consultation with the Personnel Service, to those who are not performing to the acceptable standards, through the identification of the most appropriate form(s) of support and providing that support
- 3.2 If no progress can be seen in the employee's performance, any possible consequent action will be based on:
- adequate evidence that the employee is incapable of performing his/her duties to an acceptable standard
 - a fair procedure, which establishes the reasons for underperformance
 - the fact that the employee was given all reasonable assistance to overcome their underperformance
- 3.3 In order to minimise the risk of underperformance, the Council, in accordance with the relevant policies, will recruit, appoint and train its

- workforce with the utmost care, as well as ensure that staff who are on a trial period are assessed based on performance.
- 3.4 Line managers are responsible for creating the circumstances in which all employees can perform to the expected standards. The managers will also be responsible for providing the necessary support to assist employees in achieving their full potential through supervision and feedback. This includes ensuring that the employees in their care are equipped with the necessary skills, information and equipment to perform their duties.
- 3.5 Various factors outside and within the control of the employee may hinder or prevent satisfactory progress in performance. This policy will consider all or some of the following factors:

Factors outside the employee's control

- Poor quality management
- Job design
- Work environment
- Personal circumstances (e.g. short illness, personal problems)

Factors that can be within the employee's control

- Lack of effort
 - Lack of skills
 - Lack of ability
 - Unacceptable behaviour
- 3.6 If underperformance is identified, the line manager will deal with the problem by considering the following options. The action taken will depend entirely on the factor affecting the employee's performance.
- Counselling
 - Mentoring
 - Training or Retraining
 - Redeployment
 - Disciplinary Procedure
 - Underperformance Hearing Panel

4.0 FORMAL STRUCTURES FOR SETTING STANDARDS OF PERFORMANCE AND DEALING WITH UNDERPERFORMANCE

- 4.1 The Council has in place formal structures to deal with performance issues. These structures underpin and support the duties of line managers

of allocating work, monitoring performance, drawing attention to errors and poor quality as well as praising high quality work. They also support the Council's Dealing with Underperformance Procedure.

- 4.2 When an employee is appointed to a post with the Council for the first time, he/she will undertake an induction period over the course of the first 6 months of employment. During the employee's first few days in the new post, the line manager will ensure that the individual is fully aware of, and understands, the performance standards required of him/her to carry out their duties effectively. The line manager will reinforce this process during the whole of the induction period by assessing the employee's performance on a regular basis.
- 4.3 In addition, all new employees will follow a corporate induction programme which will provide them with information concerning the general performance levels expected by the Council. All new employees will attend this programme during their first few months of employment with the Council.
- 4.4 All employees are held responsible for the standard of work that they produce and therefore the quality of services provided by the Council.
- 4.5 The performance of all employees will be formally discussed during the annual performance and improvements appraisal meeting. This meeting will take place between the individual employee and his/her line manager. This meeting enables the employee to discuss his/her contribution to the Service's performance with his/her line manager. This includes discussing the strengths and weaknesses of the employee and agreeing on performance improvement targets for the future. This process will be a cornerstone of this Dealing with Underperformance Policy in that it will provide a formal opportunity for the line manager to reinforce the performance standards expected of the employee, for discussing the performance of the past year, and for setting performance improvement targets for the forthcoming year.
- 4.6 As part of the Council's performance and improvements appraisal scheme, line managers will conduct a formal review of all employees' performance every six months.

5.0 FORMAL UNDERPERFORMANCE HEARING

- 5.1 When a decision is made to hold a Formal Underperformance Hearing, the hearing should be arranged as soon as possible. The employee and his/her representative should be given a written warning, providing details regarding the date, time and location, along with any copies of documents that will be used as part of the hearing. The letter should warn the

- employee that the hearing could lead to dismissal following a period of notice.
- 5.2 The Head of Department will chair the hearing and a Manager from the Service and a Human Resources Adviser will serve as members of the Panel. The line manager will submit the case, the employee and his/her representative will have an opportunity to ask questions following that submission and then, the employee will have an opportunity to submit the case from his/her perspective. The Head of Department, Manager from the Service and Human Resources Adviser will ask any questions arising from either side, and witnesses can be called as required.
- 5.3 When reaching a decision, the options available to the Underperformance Hearing Panel will include:
- not to take any further action
 - setting further targets and reviewing within a reasonable specific period of time
 - deducting an incremental point
 - redeployment when practically possible
 - downgrading
 - dismissal with notice
- 5.4 The hearing will be adjourned as the Head of Department, a Manager from the Service and the Human Resources Adviser consider the evidence and reach a decision. Then, everyone will reconvene and the employee and his/her representative will be informed of the decision, and, if appropriate, advice on the right to appeal. If a decision is made to dismiss the employee, the agreed notice will be issued with the dismissal.
- 5.5 The Head of Department will provide written confirmation of the hearing's decision to the employee within five working days.

January 2012