

**DISCIPLINARY, CAPABILITY AND SICKNESS
ABSENCE MANAGEMENT POLICIES****REPORT OF THE CHIEF FIRE OFFICER****For Approval****1. PURPOSE OF REPORT**

- 1.1 To seek approval for the Authority's Disciplinary and Capability (Performance) Policies attached as Appendices A and B and to note the amendments to the Sickness Absence Management Procedure attached as Appendix C.

2. RECOMMENDATION

- 2.1 To approve the Authority's Disciplinary Policy (attached as Appendix A) and Capability (Performance) Policy (attached as Appendix B).
- 2.2 To note the amendments to the Authority's Sickness Absence Management Procedure (attached as Appendix C).

3. DISCIPLINARY POLICY

- 3.1 The Authority's Disciplinary Policy, attached as Appendix A, has been routinely reviewed in line with the Authority's Key Document Framework arrangements. It has been subject to consultation with Unison and the Fire Brigades' Union and their feedback has been considered as part of this review.
- 3.2 Detailed changes are highlighted within the report - in yellow (from management) and blue (from Management and FBU).
- 3.3 The Policy statement, roles and responsibilities still reflect the original policy with minor additions and has been updated to reflect role title changes and formatting.
- 3.4 Reference to performance has been taken out, as this is now addressed in a new Capability Policy and Procedure.
- 3.5 A procedure implements the Policy; this too has been updated and includes further guidance on the informal stage.
- 3.6 From the outset of the procedure a paragraph has been added to ensure that individual is asked if any reasonable adjustments are required to support with disability, health, wellbeing or cultural requirements of individual needs.

- 3.7 With reference to the formal stages of the disciplinary procedure a case will no longer be designated a level from the outset and will be open for the Investigating Manager to determine this through their fact finding. If the case proceeds to a hearing it will be heard by the appropriate officer as outlined in the Grey Book.
- 3.8 With each case the individual is assigned a Welfare Officer for support through the process. An appendices 'Communication Plan' has been added to formalise the agreement between the Welfare Officer and individual.
- 3.9 The role of Human Resources has been clarified throughout the procedure.
- 3.10 Where an individual resigns whilst they are under investigation or prior to the hearing, the procedure outlines that the Brigade may continue with the process and hear the case, particularly with allegations that may result in dismissal being considered. Any outcome would be reflected in any future employment reference.
- 3.11 With specific note to situations where an employee is arrested, charged with or convicted of a criminal offence they must report this to their Line Manager or Duty Officer at their earliest convenience but within 24 hours. This is an amendment to the procedure as it did not previously specify a timeframe.
- 3.12 The Policy has been equality impact assessed in accordance with the Brigade's procedure. The findings of the Impact Assessment conclude that we may need to make reasonable adjustments with some disabilities to ensure that there is no detrimental impact on employees with a disability as a protected characteristic.

4. CAPABILITY (PERFORMANCE) POLICY

- 4.1 The Authority's Capability Policy attached as Appendix B, is a new Policy and Procedure produced following a review of the Disciplinary Policy. It has been subject to consultation with Unison and the Fire Brigades' Union.
- 4.2 Following some recent case reviews a decision was taken to extract the management of capability from the Disciplinary Policy into its own policy and procedure.
- 4.3 The Capability Policy aims to support employee to achieve and maintain the satisfactory standards of performance required to undertake their role and are supported to maintain an acceptable standard of performance for their role.
- 4.4 The procedure has both an informal and formal stage, the formal stage comprising of three levels.
- 4.5 Each of the formal stages is supported by a capability discussion document and a performance improvement plan which is monitored up to two months.
- 4.6 Where part or no improvement is seen it escalates through each of the three levels. This approach ensures that the employee has been given all possible support, development and opportunity to demonstrate capability.

- 4.7 The Policy has been equality impact assessed in accordance with the Brigade's procedure. The findings of the Impact Assessment conclude that we may need to make reasonable adjustments with some disabilities to ensure that there is no detrimental impact on employees with a disability as a protected characteristic.

5. SICKNESS ABSENCE MANAGEMENT POLICY AND PROCEDURE

- 5.1 The Authority's Sickness Absence Management Policy and Procedure has also been reviewed and amended following a review of the Disciplinary Policy. The changes are set out in Appendix C and have been subject to consultation with UNISON and Fire Brigades' Union.
- 5.2 Following some recent case reviews a decision was taken to enhance the Sickness Absence Management Procedure with an expansion of the procedure with the management of capability (Ill Health).
- 5.3 The additions enhance the current information contained in the procedure and seek to clarify that any capability issues will be dealt with in line with formal stage three of the Capability (Performance) Procedure and what this entails.
- 5.4 The amendments also clarify the potential outcomes of this formal stage three hearing for capability due to ill health.
- 5.5 A review of the equality impact assessment has taken place in accordance with the Brigade's procedure in light of the update. The findings are that there is no detrimental impact on any protected characteristics.

IAN HAYTON
CHIEF FIRE OFFICER

KAREN WINTER
ASSISTANT CHIEF FIRE OFFICER
STRATEGIC PLANNING & RESOURCES