



PERFORMANCE IMPROVEMENT POLICY AND PROCEDURE

Purpose of this policy and procedure	2
The scope of this policy	2
Principles	2
Informal feedback	2
Process	3
Appeals	5
Right to be accompanied	5
Confidentiality	6

Purpose of this policy and procedure

This procedure is designed to help and encourage employees to achieve and maintain standards of job performance which are acceptable to the Council. The aim is to ensure consistent and fair treatment for all.

This document:

- Supports both the Council and you to bring about positive changes in work performance and attitude, when needed, and,
- Explains how the Council will deal with instances of performance that fall below the Council's standards, in a fair and consistent way.

The scope of this policy

It applies to all staff following successful completion of a probationary period, whether full time, part time or temporary. It does not apply to volunteers or agency staff.

This procedure does not form part of any employee's contract of employment and the Council may amend it at any time.

Principles

- Informal coaching and supervision will be considered to improve performance.
- No formal warnings will be given until the causes of poor performance have been considered.
- For formal warnings you will be advised of the nature of the poor performance and will be given the opportunity to state your case at a formal performance improvement meeting before any decision is made.
- You will be provided, where appropriate, with copies of examples of poor performance in advance of a formal performance improvement meeting.
- At all formal stages of the procedure you will have the right to be accompanied by a fellow employee or trade union representative.
- You will have the right to appeal against any formal warnings issued.

Where poor performance is believed to be the result of deliberate negligence, or where serious errors have been made to the detriment of the Council, the Council may decide to use the disciplinary procedure instead.

Informal feedback

Before this procedure is engaged, you will receive feedback setting out the concerns about your performance and how it must improve. Where appropriate, a note of any such informal discussions may be placed on your personnel file but will be ignored for the purposes of any future capability hearings. This procedure is designed to be used when such informal discussions do not lead to an improvement in your performance to an acceptable level.

Informal discussions may help:

Performance Improvement Policy & Procedure
Approved: 19th July 2022
Reviewed: Annually

- Clarify the required standards;
- Identify areas of concern;
- Establish the likely causes of poor performance and identify any training needs; and/or Set targets for improvements and a timescale for review.

Process

Where informal discussions have not led to an improvement in performance, the Council will follow the following procedure.

First stage of formal procedure - first written warning

You will be invited to a formal meeting during which your performance will be discussed. The letter inviting you to attend will notify you of the Council's concerns over your performance, the reasons for those concerns, your right to be accompanied at the meeting, and the likely outcome if the Council decides after the meeting that your performance has been unsatisfactory,

The Council will give you written notice of the date, time, and place of the meeting. The meeting will be held as soon as reasonably practicable, but you will be given a reasonable amount of time to prepare your case based on the information the Council has given you. The written notice may also include, where appropriate:

- A summary of the relevant information gathered as part of any investigation;
- A copy of any relevant documents which will be used at the meeting; and/or
- A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case the Council will give you as much information as possible while maintaining confidentiality.

If you or your companion cannot attend the hearing you should inform the Council immediately and an alternative time will usually be arranged. You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason, or are persistently unable to do so (for example, for health reasons), the Council may have to take a decision based on the available evidence. The Council will however confirm that if you do not wish to attend the hearing, you may send written representations, join the hearing by telephone or send a representative on your behalf.

At the meeting, you will be given the opportunity to respond, the causes of the poor performance will be considered, and where training and development is appropriate this will be considered.

Having listened to your response, you may be issued with a first written warning for unsatisfactory performance if your performance does not meet acceptable standards. This will set out:

- The performance problem;
- The improvement that is required;

- The timescales;
- Any help that may be given;
- The right of appeal;
- that it constitutes the first stage of the formal procedure; and
- That the warning will remain on your file for 12 months

A record of the warning will be kept on your file.

If your performance improves to an acceptable level following the first meeting, the Council will meet with you to confirm that your performance is now satisfactory. This will be confirmed in writing to you. Providing that satisfactory improvement is sustained, the warning will be disregarded after 12 months for the purposes of providing an employment reference. However, the warning will be considered again if the poor performance re-starts.

Second stage of formal procedure - final written warning

If the concerns about your performance continue, you will be invited to a second formal meeting during which your performance will be discussed.

The procedure will follow the same as that of the first stage of the procedure, save that the progress from the first meeting will also be discussed. Additionally, if a final written warning is issued, this will advise you that it is identified as such and will also warn that failure to improve may lead to dismissal.

If your performance improves to acceptable level following the second meeting, the Council will meet with you to confirm that your performance is now satisfactory. This will be confirmed in writing to you. Providing that satisfactory improvement is sustained, the warning will be disregarded after 12 months for the purposes of providing an employment reference. However, the warning will be considered again if your performance falls below a satisfactory level.

Final stage of formal procedure – dismissal

If the concerns about your performance continue, you will be invited to a final formal meeting during which your performance will be discussed. The letter inviting you to attend will notify you of the Council's concerns over your performance, the reasons for those concerns, and your right to be accompanied at the meeting. The letter will also advise you that dismissal may be considered.

At the meeting, the Council will discuss the progress made following the second meeting and you will be given the opportunity to respond. Having listened to your response, if your performance hasn't improved to a satisfactory level, dismissal will be considered, or redeployment to an alternative role where appropriate.

Any offer to redeploy you will be entirely at the Council's discretion. Such an offer will be made only where there is a vacancy that the Council is confident you would be able to perform to a satisfactory level. The alternative job may be on different terms of employment. It will normally be offered only as an alternative to dismissal in circumstances in which the Council is satisfied that you should no longer be allowed to continue to work in your current role. While you will be free to refuse any offer of redeployment, the only alternative available will usually be

dismissal.

If the Council believes that there is no alternative role available and suitable for you, but that you have not met an acceptable standard of performance, the Council may decide to dismiss. Any dismissal will be with full notice or payment in lieu of notice.

If the decision to dismiss is taken, you will be provided in writing with:

- Reasons for dismissal;
- The date on which the employment will terminate; and
- The right of appeal.

Appeals

If you wish to appeal against a formal warning or dismissal you must do so by writing to the Chair of Staffing Committee within five working days of receiving notification of the warning or dismissal. The Chair of Staffing Committee will arrange for an appeal meeting to take place. Your appeal will be heard by the Appeals subcommittee made up of councillors who have not previously been involved in the matter.

If you raise any new matters in your appeal, the Council may need to carry out further investigation. If any new information comes to light the Council will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements.

The Council will give you written notice of the date, time, and place of the appeal hearing. This will normally be two to seven days after you receive a written notice.

You have the right to be accompanied at the appeal meeting by either a work colleague or a trade union representative. At the appeal hearing, the decision to impose the sanction will be reviewed and you will be entitled to make representations about the appropriateness of that decision.

The outcome of the appeal will be confirmed to you in writing, explaining the grounds on which the decision was reached. The Appeals subcommittee may decide to confirm the original decision, revoke the original decision, or substitute a different penalty. The outcome of the appeal will be final. There will be no further right of appeal.

The Council will inform you in writing of the Appeals subcommittee's decision as soon as possible, usually within one week of the appeal hearing. Where possible, the Council will also explain this to you in person.

Right to be accompanied

You have the right to be accompanied by a work colleague, Trade Union representative, or a friend to all formal meetings in this procedure. The Council will also consider requests to be accompanied to any investigation meetings. A work colleague will be allowed time off to accompany you to the meeting and the Council will support any work colleague who agrees to be a companion. A companion must feel able to agree to the request on the basis that they

Performance Improvement Policy & Procedure

Approved: 19th July 2022

Reviewed: Annually

will not be treated to any detriment if they accept. However, the companion can decline a request.

It is your responsibility to ensure your companion is aware of the meeting arrangements and that they have any documentation in good time. If your chosen companion is not available at the time proposed for the meeting, you must provide the Council with alternative dates that you are both able to meet. These dates must be within the following five working days unless the Council can agree to alternative arrangements.

If you and your representative are unable to meet with the Council within a reasonable time, the Council will discuss alternative arrangements to enable you respond to the concerns. If the Council are unable to meet with you personally, this may mean that the Council considers the concerns in your absence with your companion attending on your behalf or considering a written response.

Confidentiality

The Council aims to deal with performance improvement matters sensitively and with respect for the privacy of the individuals involved. All staff must treat as confidential any information communicated to them in connection with a performance improvement matter.

A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an additional person arranged by the Council to take notes.

Date of policy: [DATE]

Reviewed: Annually.