

Performance Management Policy

1. Introduction

This policy should be used when performance has been identified as falling below an acceptable level. Its purpose is to provide a framework for resolving underperformance in a fair and supportive manner.

This procedure will be used where improvements in performance are not achieved following an informal discussion.

Where underperformance is as the result of deliberate negligence, or where serious errors have been made to the detriment of the organisation, the disciplinary policy may be instigated.

Where it is not possible to hold a face-to-face meeting under this procedure, the process will be conducted remotely. The organisation will ensure staff and their representatives have access to the necessary technology for participating. Staff rights will not be affected, and the organisation will ensure the procedure remains fair and reasonable.

A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by a note taker.

This document does not form part of a contract of employment and may be changed from time to time in line with current best practice and statutory requirements, and to ensure business needs are met. Staff will be consulted and advised of any changes as far in advance as possible of the change being made, unless the change is required by law.

2. Performance Management Process

Stage 1 – Informal meeting

Staff will be advised of the nature of performance concerns by their line manager and this will be confirmed in writing.

Following the informal meeting, the line manager may choose to:

- take no further action
- refer the matter for investigation under the disciplinary procedure
- issue guidance to the staff member on what is required to improve their performance

Regardless of which option is taken by the line manager, a note will be held in their personnel file.

Stage 2 – Performance Management Hearing

Where Stage 1 does not lead to a satisfactory improvement in the staff member's performance or the matter is considered to be of a more serious nature, the staff member will be invited to a performance management hearing.

The purpose of this meeting is to discuss the staff member's performance and to decide what measures should be taken to support them to improve performance to an acceptable level. The meeting will be conducted by the line manager.

At the meeting, the staff member will be given an opportunity to ask questions, comment on the issues and present any explanation or mitigating circumstances

The outcome of the meeting may be:

- a decision to take no further action
- a decision to refer the matter for investigation under the disciplinary procedure
- the implementation of a performance improvement programme (see below)

Regardless of which option is taken by the line manager, a note will be held in their personnel file.

Performance Management Programme

A performance improvement programme is a series of clear expectations designed to support staff to improve their performance. The organisation will seek to agree each expectation with them and reserve the right to insist on any aspect of the performance improvement programme if agreement cannot be reached.

Each programme will be tailored to the particular situation and will address the following elements:

Targets

The particular areas in which improved performance is required and on what criteria performance will be assessed. Where appropriate, the organisation will set specific targets which will need to be achieved either by the end of the programme or at identifiable stages within it.

Timescale

The overall timescale in which the necessary improvement must be achieved, together with the timescale for reaching individual milestones where appropriate.

Measures

The measures the organisation will take to support staff in improving their performance. This may include:

- training, shadowing, coaching or mentoring
- additional supervision
- the reallocation of certain duties
- the provision of additional support from colleagues

Feedback

Staff will be given regular feedback from their line manager indicating the extent to which they are on track to deliver the expectations set out in the programme.

If, at any stage during the programme, the staff member's performance is not progressing in a satisfactory way, a further meeting may be held with them to discuss this, and where appropriate, the programme may be amended, extended or the next stage in the process instigated.

Review

At the end of the programme, the staff member's performance will be reviewed. If satisfactory progress has been made, the line manager will confirm this in writing. If satisfactory progress has not been made, the performance improvement programme may be extended, amended or the next stage in the process instigated

Stage 3 – Formal Hearing

Where Stage 2 does not lead to a satisfactory improvement in staff performance, the staff member will be invited to a formal performance management hearing.

Staff will be informed in writing of the grounds on which the hearing is being convened. The letter will set out sufficient information and examples of why the line manager believes performance still falls short of an acceptable standard.

At the hearing, the staff member will be given an opportunity to ask questions, comment on the issues and to put forward any explanation they may have for the matters identified by their line manager as amounting to poor performance.

The outcome of the meeting may be a decision to:

- take no further action;
- refer the matter for investigation under the disciplinary procedure;
- institute another performance improvement programme; or
- issue a formal warning.

A formal warning will be issued if it is concluded reasonable steps have been taken which should have allowed staff to perform to an acceptable standard, however, these measures have not worked. The warning will explain the nature of the improvement which is required in staff performance and state the timescale for making these improvements. It will also explain, if the necessary improvement does not take place, staff may be dismissed.

The warning will remain current for a period of 12 months; after which time it will be disregarded.

Where staff are issued with a formal warning in accordance with this procedure, they will have a right of appeal.

Stage 4 – Dismissal Hearing

If staff have been issued with a warning under Stage 3 which remains live and performance is still not acceptable, the matter may proceed to a performance dismissal hearing.

Staff will be informed in writing of the grounds on which the hearing is being convened. The invite to hearing letter will detail the information and examples of the performance continuing to fail to meet expectations.

The staff member will be entitled to be accompanied by a work colleague or trade union representative.

At the meeting, the member of staff will be given an opportunity to ask questions, comment on the issues and to explain any issues around performance or mitigating circumstances.

The outcome of the meeting may be:

- a decision to take no further action;
- the issuing of another performance management warning;
- an offer to redeploy the staff member to alternative work; or
- a decision to dismiss the staff member.

Any offer to redeploy staff will be entirely at the organisation's discretion. Such an offer will be made only where the organisation is confident the staff member will be able to perform well in the redeployed role. It will normally be offered as an alternative to dismissal only in circumstances in which the organisation is satisfied the staff member should no longer be allowed to continue to work in their current role. While staff are free to refuse any offer of redeployment, the only alternative available will usually be dismissal.

If the organisation believes there is no alternative role available and suitable for the staff member and they have not met an acceptable standard of performance, they may be dismissed. A decision to dismiss will only be taken by a manager who has the authority to do so.

The decision to dismiss together with the reasons for dismissal will be set out in writing and sent to the staff member. Any dismissal will be with full notice or a payment in lieu of notice. Where staff are dismissed in accordance with this procedure, there will be a right to appeal the decision.

3. Appeal

Staff have a right of appeal against formal disciplinary sanctions issued under Stages 3 or 4 of this procedure. A request for an appeal should be sent in writing within five working days of receiving written notification of the sanction. The appeal letter should set out the grounds for which the staff member is appealing the formal sanction.

An appeal hearing will be convened to hear the appeal. Wherever possible, the appeal will be heard by a panel consisting of more senior manager than the manager who issued the sanction and one other person. Staff will be entitled to be accompanied by a work colleague or a trade union representative.

At the hearing, the decision to impose the sanction will be reviewed and staff will be entitled to make representations about the appropriateness of such decision.

The result of the hearing will be either to confirm the sanction or substitute any outcome which was available to the panel conducting the hearing at which the sanction was imposed on the staff member.

The outcome of the appeal will be confirmed writing, explaining the grounds on which the decision was reached. The outcome of the appeal will be final.

4. Data Protection Act 2018

The organisation will treat all personal data in line with obligations under the current data protection regulations.