

# **Employee performance procedure**

**March 2019**

## Document history

Version	Date	Notes	Prepared by
1.0	March 2019	Updated procedure to reference the new performance management process (check-ins) which replaces the old PPA Scheme	T Brown

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## 1. Our Policy

- 1.1 The Council wants to help all employees achieve optimum levels of performance. The whole concept of performance standards will be based on a continual process of improvement.

## 2. The Purpose Of This Process

- 2.1 This process is designed to guide employees and their managers in the approach the Council adopts to achieving and maintaining good performance at work.
- 2.2 The process applies to all employees other than the Chief Executive, Corporate Directors and school based staff operating under the Scheme of Financial Delegation, for whom separate procedures exist and to employees during their probationary period when the Probationary Policy will apply.
- 2.3 This process is not to be used for cases of misconduct, which will be handled under the Disciplinary Procedure. Where poor performance is judged to be the result of wilful action by the employee, the Disciplinary Procedure will normally be used.

## 3. The Key Principles

- 3.1 The following are key principles in managing employees' performance at work:
- It is the Line Manager's responsibility to identify, monitor and ensure the maintenance of good performance
  - Performance should be discussed regularly between each employee and their manager. The Council's Check-in Procedure provides an additional structured basis for regular reviews of performance
  - Good performance should be recognised and praised
  - Causes of poor performance should be identified and tackled promptly, and the focus of the Line Manager's and employee's efforts should be to work together to improve standards
  - Where it is considered that ill health or disability may be an underlying factor in poor performance, Occupational Health should be asked to give advice before decisions are taken. Where appropriate, the Sickness Procedure should be operated in conjunction with the process for handling poor performance. Sickness absence during the performance management cycle will be managed under the Sickness Absence Procedure

## 4. How Standards Of Good Performance Are Set And maintained

### 4.1 When employment starts

(either in a new post or new employment with the Council), the Line Manager must:

- Give a clear explanation of required performance levels at induction. This is a key part of setting and maintaining good performance
- Describe the Check-in Procedure
- Explain any departmental performance documentation system
- Where there is a probationary period, make the employee aware of any conditions, which apply, and the way in which the probationary process works

- Where the employee has indicated that they have a disability, consider any reasonable adjustments which may be made to enable the employee to perform to their full potential.

## **4.2 Training and supervision**

- The Line Manager is responsible for setting, reviewing and ensuring the maintenance of the employee's performance
- There should be regular discussion between the employee and their Line Manager to ensure that standards are being clearly communicated and maintained
- If the employee is encountering difficulties, they must report this promptly to their Line Manager and work together to find solutions
- Line Managers should be receptive to employees' ideas for improving work methods etc
- Agreed training needs in accordance with service priorities should be identified and met
- Where new tasks are being introduced, the employee and their Line Manager should consider any further training needs

## **4.3 Employees' responsibilities**

- Employees share the responsibility for maintaining and developing their own performance and must work constructively with their Line Managers to achieve this
- Employees should always be alert to new ideas that may help improve their own and the Council's performance, and discuss these with their Line Managers
- Employees must work with their Line Managers in cases where performance needs to be improved

## **4.4 If performance is below standard**

- Line Managers should identify promptly performance which is below standard and tell the employee.
- The Line Manager and the employee should work together to achieve improvement, identifying in discussion the cause of the problem and ensuring that appropriate action is taken
- Where the employee does not have the necessary skills to meet the required standard of performance, the Line Manager should assist wherever practicable, for example by providing training, and give the employee a reasonable time to meet the required level of performance
- Consideration may be given to transferring the employee to another post
- The Line Manager should give the employee encouragement and assistance to improve
- Where below-standard performance persists, the manager must explain to the employee what will happen if improvement is not made. In cases of particularly serious concern the formal review process can be commenced immediately

# **5. The Review Process For Remedying Continued Poor Performance**

**5.1** If performance continues to be below standard, or in cases of particularly serious concern, the following review process will apply. The focus will still be on helping the employee to improve.

## **5.2 First review**

- 1) The Line Manager will write to the employee to convene a meeting with the employee to review the employee's performance. The employee must be advised in writing that the meeting could result in disciplinary action and of their right to representation by a work colleague or Trade Union representative.

- 2) Following the meeting the Line Manager will write to the employee, issuing a first written warning. This letter should set out: the details of the complaint; the areas of performance that must be improved; a realistic timetable for a satisfactory level of performance to be achieved, advise the employee how long the warning will remain on file (12 months) and of his/her right to appeal. Managers and employees should note that where an employee is placed onto a first review following a failure to improve under a Performance Improvement Plan, the length of the first review period shall be a maximum of one month.
- 3) The Line Manager will monitor the employee's performance during this period.
- 4) The employee must work conscientiously to try to achieve the standards set.
- 5) Where a satisfactory level of performance is achieved at this stage of the procedure, the employee's level of performance should be maintained for 12 months, at which point action under this procedure can be considered concluded.

### **5.3 Second review**

- 1) If performance does not adequately improve during the specified timetable or poor performance recurs during the 12 month period referred to in 5.2 (v) above a Senior Manager will write to the employee to convene a meeting with the employee to review the employee's performance. The employee must be advised in writing that the meeting could result in disciplinary action and of their right to representation by a work colleague or Trade Union representative.
- 2) Following this meeting the Senior Manager will write to the employee, issuing a final written warning. This letter should: set out the details of the complaint; the areas of performance that must be improved; specify that dismissal may occur if the employee does not achieve a satisfactory level of performance within a stated, realistic timescale and advise the employee of his/her right to appeal. A copy of the warning will be kept on the employee's personnel file. It will be disregarded after 18 months provided that the employee maintains an acceptable level of performance throughout this period.
- 3) The employee's performance will be monitored during this period.
- 4) The employee must again make all attempts to achieve the standards set.

### **5.4 Final review**

- 1) If performance still does not show acceptable improvement, remains below standard, or poor performance recurs whilst a final written warning is in force, the Head of Service (or nominated representative) will hold a final review meeting with the employee and may dismiss the employee if he/she is satisfied that performance is unacceptable. Prior to the final review meeting, the employee must be advised in writing that the meeting could result in disciplinary action (including dismissal) the reasons why this could occur and of their right to representation by a work colleague or Trade Union representative.
- 2) A HR representative will attend the final review meeting to advise the Head of Service.
- 3) Dismissal will not occur until possible alternative employment has been considered. Such alternative employment may involve a reduction in salary.
- 4) The Head of Service (or nominated representative) will write to the employee following the meeting to set out the outcome. Where the decision is to dismiss, the letter will set out the reasons for the dismissal, the date the employment will end and the employee's right of appeal.

## **6. Appeals**

- 6.1 An employee who wishes to appeal against a warning or dismissal must inform the Designated Officer in writing within ten working days of being given the notification of the warning or dismissal. The written notice of appeal must give details of the grounds for the appeal. The designated officer is:

- for an appeal against a warning: the Line Manager of the Senior Manager who gave the warning. If the warning was issued by someone reporting to the Chief Executive, the notice of appeal should be sent to the Chief Executive who will designate another appropriate direct report to hear the appeal; and
- for an appeal against dismissal: employees have the right of appeal to members

6.2 Appeals will normally be heard within three weeks of being lodged. At an appeal hearing, the decision to give a warning or to dismiss will be reviewed. The outcome of the appeal will be to confirm the warning or dismissal; substitute a lesser penalty, or cancel the warning or dismissal. The decision is final.

## **7. Other points**

- 7.1 The employee can be accompanied by an accredited trade union representative, an official employed by a trade union, or a work colleague at review meetings and any appeal hearings. The employee will be given at least five working days' notice of all meetings and hearings.
- 7.2 No action will be taken under the review process in respect of an employee who is also a trade union representative until the circumstances of the case have been discussed with a senior representative of the trade union, subject to the employee's agreement.
- 7.3 If an employee raises a concern about their manager in connection with the process of performance management, the Head of Service or nominated representative) will decide in the light of the issues raised whether the grievance resolution procedure should be used to deal with the concern. An employee who uses the grievance resolution procedure in bad faith in this connection is liable for disciplinary action.
- 7.4 This document is kept under regular review. Any changes to it, or its replacement, will be made available to all employees.