

PROCESS FOR MANAGING EMPLOYEE PERFORMANCE

1. The Purpose of This Process

- 1.1 This process is designed to guide employees and their managers in the approach the Council adopts to achieving and maintaining good performance at work.
- 1.2 The process applies to all employees other than senior management grade officers and school based staff operating under the scheme of financial delegation, for which separate procedures exist.
- 1.3 The process below does not apply to employees in their probationary period. Where this is the case, the employee should be made aware of the separate provisions according to the Probationary Procedure.

2. The Key Principles

- 2.1 The Council wants to help all employees achieve optimum levels of performance:
 - it is the manager's responsibility to identify, monitor and maintain good performance.
 - performance should be discussed regularly through one to ones between each employee and their manager. The Council's employee appraisal scheme provides an additional structured basis for an annual review of performance
 - good performance should be recognised and praised
 - causes of poor performance should be identified and tackled promptly, and the focus of the 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 consulted before decisions are taken.
 - where a very serious error is made warnings may not be appropriate and the cases should be referred immediately for a final review hearing where the outcome could be dismissal.

3. How Standards Of Good Performance Are Set And Maintained

- 3.1 *When employment starts*, (either in a new post or new employment with the Council), the manager must
 - give a clear explanation of performance levels at induction. This is a key part of setting and maintaining good performance
 - describe the employee appraisal scheme
 - explain any departmental performance measurement 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 (this will then be followed as an alternative to the formal review process below)
- consider any adjustments which may be needed to enable employees with disabilities to perform to their full potential.

3.2 *Supervision and standard setting:*

- the manager is responsible for setting standards, appraising and maintaining the employee's performance
- there should be regular discussion between employees and their manager to ensure that standards are being clearly communicated and maintained
- managers should identify promptly performance which is below standard and tell the employee, explaining the consequences if improvement is not made
- if the employee is encountering difficulties, they must report promptly to their manager and work together to find solutions
- 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, it is the responsibility of both employees and their managers to consider any further training need.

4. **The Review Process For Remedying Continued Poor Performance**

4.1 If performance continues to be of concern, the following review process will apply. The focus will still be on helping the employee to improve.

4.2 ***First review***

- i) the manager will convene a meeting to review the employee's performance giving the employee 5 working days notice.
- ii) if the manager is satisfied that the employee's performance is below standard, he/she will advise the employee in writing that performance must be improved and outline what steps are being put in place to support the employee.
- iii) the manager must also set a realistic timetable outlined within the guidance notes, by which time a satisfactory level of performance should have been achieved, and monitor the employee's performance during this period.
- iv) the employee must work conscientiously to try to achieve the standards set
- v) where a satisfactory level of performance is achieved at this stage of the procedure, the level of performance should be maintained for 12 months, at which point the employee should be advised that action under this procedure can be considered concluded.
- vi) the manager should refer to the Manager's Notes when considering the difficulties that the employee may be experiencing.

4.3 ***Second review***

- i) if performance does not show satisfactory signs of improvement during the specified timetable, has not improved to the required level by its end, or poor performance recurs during the period set by the first review, a more senior manager normally within the same department will convene a meeting to review the employee's performance.
- ii) the senior manager may give a written warning as a result of this meeting outlining what steps are being put in place to assist the employee. A copy of the warning will be kept but disregarded after 12 months, if an acceptable level of performance has been demonstrated by the employee. The warning must specify that dismissal may result if the employee does not achieve a satisfactory level of performance.
- iii) a realistic timetable for improvement must be set and performance monitored during this period. The employee must again work conscientiously to try to achieve the targets set.
- iv) the manager should refer to the Manager's Notes when considering the difficulties that the employee may be experiencing.

4.4 ***Final review***

- i) if performance still does not show acceptable improvement, remains below standard, or poor performance recurs during the period when a warning is in force, a more senior manager will hold a final review meeting and can either set a further review period or dismiss the employee if he/she is satisfied that performance is unacceptable
- ii) dismissal will not occur until possible alternative employment has been considered. Management are advised to consult with Human Resources during this process. Where alternative employment is identified which involves a reduction in salary or a change to the employee's terms and conditions of employment, the employee should be advised of this in order for them to accept this change. This should then be agreed in writing with the employee.

5. **Appeals**

- 5.1 An employee who wishes to appeal against a warning or dismissal must inform the 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.
- 5.2 Appeals will be heard as soon as possible. At an appeal hearing, the decision to give a warning or to dismiss will be reviewed. The outcome will be to confirm it, substitute a lesser penalty, or withdraw it. The decision is final.

6. **Other points**

- 6.1 The standards for managing performance are not intended to be used for misconduct, which is 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 instead.

- 6.2 The employee can be accompanied by an accredited trade union representative or 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.
- 6.3 No action will be taken under the review process in respect of a trade union representative until the circumstances of the case have been discussed with a senior representative or paid official of the trade union

6.4 If an employee raises a grievance about their manager in connection with the process of performance management, the service director (or nominated representative) will decide in the light of the issues raised in the grievance whether the grievance procedure is to apply, or that the performance management process should incorporate the grievance. An employee who uses the grievance procedure in bad faith in this connection is liable to disciplinary action. In such circumstances advice should be sought from the HR representative.

1 THE PROCESS FOR MANAGING EMPLOYEE PERFORMANCE: MANAGERS' NOTES

- 1.1 The following are lists of things that managers should consider prior to handling the various stages of the Process For Managing Employee Performance. They are not part of the procedure, but are intended to be used as checklists and, if it would be useful, prompts during discussions with employees.
- 1.2 Employees should be given a copy of the procedure including these notes.

2 Some points prior to starting

- ❑ The process to be followed is outlined in the Process for Managing Employee Performance procedure. Make sure you have read the document thoroughly.
- ❑ You must check your authority to act in respect of each the stages within the Procedure before beginning to take action.
- ❑ If you are unclear about how to deal with a specific case, then you should seek advice from HR.
- ❑ At each stage of the procedure you must consider if poor performance is as a result of a **DISABILITY**. If it is you will need to:
 - make efforts to retain staff in their existing job, by considering job redesign and adaptation - for example, changes to duties, allocating some tasks to another employee, providing practical aids and equipment, or
 - find them suitable alternative employment including transfer to another post
- ❑ If the performance issues are related to **ALCOHOL AND DRUGS** (including prescribed medication) ALWAYS check with HR as to the most appropriate procedure. Alcohol and drug related conditions may not involve sickness absence or disability discrimination, but it is wise to be clear about the circumstances of each case at an early stage.
- ❑ Where an employee commits a single error and the actual or potential consequences are extremely serious, warnings will not usually be appropriate. The case should be referred for a final review where the outcome could be dismissal.

3 First review meeting

3.1 The purpose of the first review meeting is:

- to point out to the employee concerned the shortfall in their performance,
- to identify the cause(s) and
- to ensure that the appropriate action(s) is taken to help the employee reach the required standard (these should be established in consultation with the employee).

3.2 You should:

- meet with the employee and ask for an explanation (check the reason if appropriate and possible). It is possible that their poor performance could be the result of inadequate instruction, training, supervision, or some other failing such as staff shortages or ineffective distribution of duties
- consider sympathetically all possible causes of inadequate performance and balance these against the employee's contractual obligation to work to an appropriate standard
- identify the likely cause(s)
- discuss with the employee appropriate action(s) to be take
- explain the consequences of failing to meet the required standard.

3.3 The employee should:

- be prepared to listen to your concerns
- work constructively with you to identify causes and constructive ways forward
- undergo any necessary training
- comply with the instructions you give to try to remedy the shortcomings.

3.4 You may find:

- that your employee is upset that you are raising shortfalls in their performance. This may never have happened to him/her before. Acknowledge their feelings, but move beyond this to a constructive search for positive solutions;
- that your employee shows signs of stress during the process. The more you can keep to constructive outcomes, and show that you are affirming support for the employee's ability to reach your standards, the more he/she will be able to cope with their feelings of stress, and hopefully eliminate them eventually. Acknowledge that you are putting pressure on the employee to improve: do not duck that issue;
- that you yourself find the process stressful. Your own line manager and/or HR may be able to give you support. It may be that acknowledging your feelings to your employee helps you both work together (use your judgement on this, of course).

4 Post Meeting Action

- 4.1 Send a letter to the employee to confirm actions discussed covering:
- the main points discussed
 - the plan of action, including the date of review(s). Allow a reasonable time for an individual's performance to be reviewed, usually, no longer than 3 months, but anything less than 2 weeks may be difficult to demonstrate the improvements required.

5 Second review meeting

- 5.1 Purpose of the second review meeting is:
- to consider action where it appears that improvement is not being made following the first review
- 5.2 You should:
- check that the plan of action is achievable i.e. that it has not been derailed by circumstances beyond the control of the employee
 - check that the employee has been reasonably supported in achieving their objectives i.e. that management have fulfilled their obligations e.g. that any agreed resources have been allocated.
 - discuss the progress made by the employee - be as positive as possible consider why there has been success in some areas and not others as this may indicate approaches that might be useful in improving performance in other areas.
 - try to build confidence.
- 5.3 If the progress towards acceptable performance has been inadequate, the employee may be issued with a warning. If performance has improved the procedure can be ended.

6 Post Meeting Action

- 6.1 Send a letter to the employee to confirm progress and action(s) discussed covering:
- progress made
 - the main points discussed
 - the plan of action, including the date of review(s)
 - a warning (if appropriate) and what this means to the employee
 - right of appeal
 - copies to HR for file

7 Final review

- 7.1 You should:
- consider whether sufficient progress has been made to suggest that the employee will achieve an acceptable standard of performance within a reasonable timeframe

IF improved performance is unlikely to be achieved, you should:

- contact HR concerning the potential for alternative employment. This step is necessary because an employee should not be dismissed without due consideration of suitable alternative employment.

IF there is no suitable alternative employment the employee may be dismissed and this should be explained to the employee.

Where there is a possibility that the employee could be dismissed, this should be heard by either a Director (or an Assistant Director acting under delegated authority).

8 Right to be accompanied

- 8.1 The employee is allowed to bring an accredited trade union representative or work colleague to all formal review meetings. The letter notifying them of the meeting date should state this.
- 8.2 You may need to change the date of the meeting to accommodate the representative, but only to a reasonable degree. It should not involve you delaying the time by more than five days, and any alternative time suggested by the employee/representative must still be reasonable for you. You may find it best to agree a time with the representative at the outset, but do not let this involve unreasonable delay.
- 8.3 The accompanying person can address the hearing on behalf of the employee. However there may be occasions when the question may only be answered by the employee.

9 Appeals

- 9.1 An appeal against a final warning would normally be for one (or more) of the following reasons:
1. The standard of work required was unreasonable because:
 - the standards set were beyond a level appropriate to the grade of the employee
 - the shortfall in performance was because of circumstances beyond the control of the employee
 - reasonable training/developmental opportunities were ignored/rejected
 2. There were procedural irregularities that prejudiced a fair outcome
 3. The standards may have been met
- (**And**, in the case of dismissal, the above grounds with the addition of:-)
4. Suitable alternative employment was a viable option but was not properly pursued.

Full details must be submitted by the employee.

Make sure you can respond effectively to any of these assertions. Your own paperwork will need to be in good order for you to give a full account of the actions you took. Making brief notes at every significant stage will be extremely valuable to you here.