

# Performance Procedure

## Introduction

**Note:** All key points in this document relate to the 'Key Points - Employment Procedures' document available from the [Employee relations procedures page on the Bexley website](#).

### Step 1 - Informal resolution – where there are concerns

- Discuss any performance issues and standards required at informal 1 to 1 meetings.
- Set out performance standards during appraisal meetings.
- Prepare an informal action plan to set out standards required, support/adjustments to be provided and timescales (see key point 21).
- Identify whether there are any health-related or personal circumstances affecting performance (see key point 3).
- Identify whether advice from Occupational Health is required.
- Identify whether the Employee is a Trade Union representative before escalating (see key point 2).
- Where informal action does not help the Employee to achieve the required standards Step 2.
- Discuss the reasons for escalating to Step 2 with the Employee before arranging a Formal Review.

### Step 2: Invite the Employee to a Stage 1 Review and include

Where the Employee is a trade union representative the TU Regional Office should be notified subject to the Employee's permission (see key point 2).

- 7 calendar days' notice.
- The right to be accompanied by a work colleague or trade union representative (see key point 1).
- The possible outcomes of the Review.
- Background information with details of any measures, support/adjustments previously provided.
- An opportunity for the Employee to call any witness(es).
- Where the companion is not available, reschedule if an alternative time is suggested (see key point 1).
- Consider whether Occupational Health advice is needed (see key point 3).

### Step 3: Hold the Stage 1 Review and consider

- The information, and any mitigation/special circumstances set out by the Employee and/or their companion.

- What support, training, adjustments and assistance have been provided and what are the on-going requirements?
- Is any additional information/advice needed including advice from Occupational Health (see key point 3)?
- Are there any health related or personal circumstances that are having an adverse impact on performance?
- Is improvement likely to be achieved or sustained within a reasonable period?
- Has consideration been given to the Employee previous service record?
- Is the action contemplated consistent with similar cases?

#### **Step 4 – Decide the outcome and notify Employee – include where appropriate**

- An updated/new action plan setting out the improvement required with timescales.
- The support or assistance to be provided, which may include obtaining Occupational Health advice.
- The timescales/date(s) when a review of improvement will take place/reconvened Review (see step 5).
- A caution with the right to appeal. The caution will remain in place for 12 months (see key point 13).

#### **Step 4(a) – Employee appeals**

- Employee sets out reason for appeal (see key points 17-19).
- Invite the Employee to an appeal hearing with right to representation.
- Decide if any further information is required before hearing the appeal.

#### **Step 4(b) – Hear the appeal without unreasonable delay and decide the outcome**

- Hear the appeal (see key points 17-19).
- Notify the individual formally of the outcome setting out that there is no further right of appeal at this Stage.
- Record the outcome.

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## **Step 5 – Reconvene a Stage 1 Review to consider progress and decide the outcome (where relevant)**

Where the Employee is a trade union representative the TU Regional Office should be notified subject to the Employee's permission (see key point 2).

Sign off and notify the Employee if there has been satisfactory improvement within the agreed timescales.

**Or**

Where performance has not met the required standard consider further support/guidance/training/adjustments.

Where a caution has not previously been issued consider whether a caution should now be issued.

Where a caution has previously been issued decide whether to escalate to Stage 2 (Step 6) Review.

Where escalating to a Stage 2 Review notify the Employee informally.

## **Step 6 - Invite the Employee to a Stage 2 Review and include**

Where the Employee is a trade union representative the TU Regional Office should be notified subject to the Employee's permission (see key point 2).

7 calendar days' notice.

The right to be accompanied by a work colleague or trade union representative (see key point 1).

The possible outcomes of the Review.

Background information with details of any measures, support/adjustments previously provided.

An opportunity for the Employee to call any witness(es).

Where the companion is not available, reschedule if an alternative time is suggested (see key point 2).

Consider whether Occupational Health advice is needed (see key point 3).

## **Step 7 – Hold the Stage 2 Review and consider the following**

The information, and any mitigation/special circumstances set out by the Employee and/or their companion.

What support, training, adjustments and assistance have been provided and what are the on-going requirements?

Is any additional information/advice needed including advice from Occupational Health (see key point 3)?

- Are there any health related or personal circumstances that are having an adverse impact on performance?
- Is improvement likely to be achieved or sustained within a reasonable period?
- Has consideration been given to the Employee previous service record.
- Is the action contemplated consistent with similar cases?
- Where there is a possibility of dismissal is there an alternative?

## **Step 8 – Decide the outcome of the Stage 2 Review and notify the Employee**

- Sign off and notify the Employee if there has been satisfactory improvement within the agreed timescales.

Or

- Re-affirm Caution with a further period of monitoring providing the right of appeal (see key points 13-14).
- Terminate Employment providing the right of appeal (see key point 20).
- Consider whether it is appropriate to refer to any regulatory body e.g., HCPC, GTC (see key point 5).

## **Step 8(a) – Employee appeals**

- Employee sets out reason for appeal (see key points 17-19).
- Invite the Employee to attend an appeal hearing with the right to representation (see key point 1).

## **Step 8(b) – Hear the appeal**

- Hear the appeal without unreasonable delay (see key points 17-19).
- Notify the individual formally of the outcome.
- Record the outcome.
- There is no further right of appeal.

## **Step 9 – Reconvene a Stage 2 Review to consider progress and decide the outcome (where relevant)**

Where the Employee is a trade union representative the TU Regional Office should be notified subject to the Employee's permission (see key point 2).

Sign off and notify the Employee if there has been satisfactory improvement within the agreed timescales.

**Or**

Where a Final Caution is not in place consider whether a Final Caution should now be issued.

Consider whether dismissal is appropriate where performance remains a concern despite a Final Caution.

Where dismissal is contemplated consider whether there is an alternative