



Performance Management Procedure

1. Introduction

This procedure sets out how concerns about performance will be managed in the organisation.

It is designed to be used when holding informal discussions with an employee, and also when informal discussions between the manager and employee do not lead to the employee improving their performance to an acceptable standard.

The procedure includes an informal stage, with two formal stages.

This procedure will help managers work with employees to improve performance. If this is not possible, it sets out other processes that can be followed such as redeployment or dismissal on the grounds of capability.

Where an employee's poor performance is believed to be deliberate, or if their errors have had a serious and detrimental impact on the council or if the employee 'won't do' the task / role, the disciplinary procedure could be used instead.

2. Right to Representation

Employees are entitled to be accompanied by a Trade Union Representative or work colleague at any of the formal stages of the procedure. Where appropriate the employee may request to be represented during informal process

3. Roles and Responsibilities

3.1 Manager

Managers should meet with employees and discuss performance as part of their day to day management responsibilities.

- i. Ensure the employee is made aware of their role and the standards expected of them, and provide them with any appropriate induction and ongoing training.
- ii. Undertake regular face to face reviews/supervision. The manager should make and keep a note of the date, time and conclusions reached at all meetings arranged under this procedure.
- iii. Identify any concerns about the employees failure to meet the required standards and feedback to the employee in order for them to improve and identify any additional training or support required, in a timely manner.
- iv. If there is clear evidence that suggests there are significant concerns about the employee's ability to undertake the role, the manager will discuss with issues with the employee.

- v. Conduct the meetings with the employee, and where relevant HR representative and Trade Union representative/Work colleague, arranged under this Procedure.

3.2 Employee

- i. To demonstrate the knowledge and skills to undertake the role
- ii. To listen to feedback, engage in the regular supervision process and identify/seek support to improve any identified areas of concern
- iii. Where relevant , to arrange support from a trade union representative or work colleague,

3.3 Trade Union Representative / Workplace colleague

A Trade Union representative / work colleague can support and/or represent an employee at relevant formal meetings arranged under this procedure. Where appropriate the employee may request to be represented during the informal process

3.4 Human Resources

To provide advice and guidance to managers on policy, procedures and relevant legislation to address concerns identified, including attendance at relevant meeting convened by the manager.

4. Informal Process

It is good management practice for managers to be having regular and ongoing conversations with their employees, in order to highlight and discuss performance and in particular raise any issues / concerns.

If these conversations do not lead to the employee improving their performance to an acceptable standard, managers should invite the employee to an informal meeting to discuss their performance. The meeting should not come as a surprise to the employee as they would have already discussed any performance issues during previous conversations e.g. supervision meetings. It is recommended that managers keep a record of the discussions.

There is no requirement to have a representative from HR present at meetings held at the informal stage of the Procedure. Where appropriate the employee may request to be represented during informal meetings

Where performance is deemed to have improved to the required standard, no further action will take place.

Where the required standards of work have not been met, a formal performance review meeting will be arranged in line with Stage 1 of the Procedure.

5. Formal Performance Management Procedure

5.1 Stages of Formal Procedure

There are 2 stages in the formal procedure.

Stage 1

Where there has been no significant and/or sustained improvement in performance during the informal process

or

Where there has been a repeated pattern of informal performance management concerns raised, that have not resulted in a significant and sustained improvement

or

Where the poor performance has a **substantial** impact on the service provision

Stage 2

Where there has been no significant and/or sustained improvement in performance during the formal review period (following a stage 1 meeting) consideration should be given to dismissing the employee on the grounds of Performance Capability.

5.2 Potential Disciplinary Concerns

In most cases, where poor performance is so significant that a manager is concerned about the employees '*fitness to practice*', serious consideration should be given to referring the matter into the disciplinary procedure as Gross Misconduct for example Neglect of Duty.

Other examples of serious issues may include safeguarding, budget, monetary or health and safety issues. In these circumstances support should be sought from the Employee Relations team based within Human Resources at this point. (Please refer to the [Disciplinary Policy](#) for a more detailed list of potential conduct that may constitute gross misconduct)

5.3 Performance concerns of a serious nature

There may be some cases regarding serious performance management issues, where managers may continue to manage the issues under the Performance Management Procedure, and can proceed straight to formal process and /or are able to vary the timeframe for review, with advice from Human Resources.

APPENDIX 2

5.4 Performance Management Meetings

Process	Attendees at Meeting	Guidance on Time Scales	Process	Meeting	Possible Outcomes
Informal Process	Line manager and employee (where appropriate, the TU rep/work colleague)	Up to 3 months	Monitor Performance during informal process	Performance Review Meeting at the end of the Informal Process	<ul style="list-style-type: none"> • Take out of informal process • Remain in informal process • Move into formal process and discuss and implement Performance improvement Plan (PIP)
Move into formal process stage 1	Line Manager (with appropriate HR support) employee and Trade Union Representative or work colleague	3 - 6 months <i>depending on the nature of the concerns</i>	<ul style="list-style-type: none"> • Monitor Performance during stage 1 	Performance Review Meeting at end of formal stage 1	<ul style="list-style-type: none"> • Take out of performance management process • Move back into informal process • Formal Warning issued, discuss and implement revised PIP (move to stage 2)
Stage 1 Appeal	More senior Manager, (with appropriate HR support) employee and Trade Union Representative or work colleague	See appeal Process Para 8.2		Appeal Hearing Stage 1	<ul style="list-style-type: none"> • Take out of performance management process • Move back into informal process • Confirm Formal Warning issued, discuss and implement revised PIP (move to stage 2)
	Attendees at	Guidance on	Process	Meeting	Possible Outcomes

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	Meeting	Time Scales			
Move into formal process stage 2	Line Manager (with appropriate HR support) employee and Trade Union Representative or work colleague	3 - 6 months <i>depending on the nature of the concerns</i>	Monitor Performance during stage 2	Performance Review Meeting at end of formal stage 2	<ul style="list-style-type: none"> • Take out of formal process • Remain in formal stage 1 process and extend period of Improvement • Re-issue formal warning • Consider redeployment • Confirm Dismissal on grounds Capability
Stage 2 (Performance Capability Appeal Dismissal)	Director or their Nominated Officer, accompanied by a HR representative, employee and TU rep or work colleague	See appeal process para 8.3		Appeal Hearing stage 2	<ul style="list-style-type: none"> • Take out of formal process • Remain in formal stage 1 process and extend period of Improvement • Re-issue formal warning • Consider redeployment • Confirm Dismissal on grounds Capability

6. Implementing the Formal Performance Management Procedure:

6.1 Invitation letter to formal Performance Management Meetings

The manager must send a letter to the employee inviting them to attend a formal performance review meeting - **pro forma letter appendix xx (Letters being revised)**

The letter should contain the following:

- Date, time and location of the meeting
- Right to representation
- Copy of the Performance Management Policy and Procedure
- Outline the performance concerns and where possible, provide specific examples of where the employee has fallen beneath the required standard

6.2 Stage 1 Performance Management Meeting

6.2.1 Explaining the issues / concerns

Where there has been no significant and/or sustained improvement in performance during the informal process

or

Where there has been a repeated pattern of informal performance management concerns raised, that have not resulted in a significant and sustained improvement

or

Where the poor performance has a **substantial** impact on the service provision

a stage 1 performance management meeting will be arranged with the employee.

The meeting will be conducted by the employee's manager. Where it is considered appropriate by the organisation, a member of the HR department may also be present.

The purpose of a stage 1 performance management meeting is to:

- Discuss the employee's performance
- Define the standards that have not been met, and consider potential reasons for poor performance
- Discuss and implement a Performance Improvement Plan (PIP), including relevant training or support required

The employee and/or their Trade Union representative/ work colleague will be given an opportunity to respond to any feedback about their performance and to put forward any explanation they may have for the matters identified by the manager as amounting to poor performance.

A manager may refer to the job description and/ or person specification and / or any service performance standards and work related information to be clear what the acceptable standards of performance are. Where appropriate, if the job role has professional standards produced by local and national bodies e.g. Health and Care Professions Council (HCPC) these may also be discussed. The manager should provide examples and evidence wherever possible, as this helps to identify gaps.

6.2.3 Outcome of the meeting

Following discussion of the issues/concerns, the manager may choose to:

- Take the employee out of the performance management process
- Move the employee back into the informal process and continue to review performance informally
- Issue a formal warning, and discuss and Implement a **formal performance improvement plan (PIP)**, and implement a review period designed to bring the employee's performance up to an acceptable standard.
- refer the matter for investigation under the disciplinary procedure if it is a conduct issue;

Where a formal warning has been issued, the warning will explain:

- the nature of the improvement that is required in the employee's performance
- that improvement must be sustained, and where possible improvement must be immediate,
- that if the necessary improvement does not take place, the employee may be dismissed.
- Attach a copy of revised Performance Improvement Plan (PIP)

The manager must undertake regular reviews of performance in line with the PIP and provide feedback to the employee on progress towards meeting the performance standards specified.

The warning will remain 'live' for a period of 12 months, from the date that the formal warning has been issued

NB For appeal process for stage 1 see Para 8 below

6.3 Stage 2 Performance Management Meeting (Performance Capability Dismissal Meeting)

If the performance improvement plan has not led to the employees performance being maintained to the required standard following completion of Stage 1 of the process, the employee will be informed of the requirement to attend a Stage 2 performance management meeting. The letter will set out the reasons why the employee's manager believes that the employee's performance still falls short of an acceptable standard.

At the meeting, the employee and/or their Trade Union representative/Work Colleague will be given an opportunity to respond to any feedback about his/her

performance and to make representations about any aspect of the way in which the process has been managed.

6.3.2 Possible outcomes of the Stage 2 Performance Management Review meeting

Following discussions, the manager may choose to:

- Take the employee out of the performance management process
- Remain in formal stage 1 process, extend the period of Improvement and discuss and implement revised performance improvement plan (PIP)
- Re-issue the formal warning, and discuss and implement revised performance improvement plan
- Consider **redeployment** of the employee to alternative work; Any offer to redeploy the employee will be entirely at the organisation's discretion. Such an offer will be made only where the organisation is confident that the employee will be able to perform well in the redeployed role. It will normally be offered only as an alternative to dismissal in circumstances in which the organisation is satisfied that the employee should no longer be allowed to continue to work in his/her current role. While the employee is 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/or suitable for the employee, and they have not met an acceptable standard of performance, the organisation may decide to dismiss.

- Dismissal on grounds of Performance Capability
- refer the matter for investigation under the disciplinary procedure if it is a conduct issue;

6.3.3 Decision to Dismiss on ground of Performance Capability

The decision to dismiss together with the reasons for dismissal will be set out in writing and sent to the employee within ten working days of the stage 2 hearing.

If applicable, the professional body the individual is a member of as part of their work role, will be notified of the employee's dismissal, by the line manager.

In line with the employee's statement of particulars, any dismissal will be with full notice requirements.

Where an employee is dismissed in accordance with this procedure, the employee will have a right of appeal.

NB For appeal process for stage 2 see Para 8 below

7 Performance Improvement Plans

7.1 Purpose of Performance Improvement Plan (PIP)

A performance improvement plan is a series of measures designed to help improve the employee's performance. Each measure will ideally be agreed with the employee, although the organisation reserves the right to insist on any aspect of the performance improvement programme in the absence of such agreement.

Each PIP will be tailored to the particular situation, but will contain the following elements:

- Performance Targets
- Success Criteria
- Additional training and /or support required
- Timescales
- Outcomes

A template PIP plus example performance improvement plans are provided at Appendices ()

7.1.1 Performance Targets

The performance improvement plan will specify the particular areas in which improved performance is needed and set out how, and on what criteria, the employee's performance will be assessed. Where appropriate, specific targets will be set that will need to be achieved either by the end of the programme or at identifiable stages within it. The targets set should meet the SMART criteria of being specific, measurable, achievable, relevant and time bound

7.1.2. Success Criteria

The performance improvement plan will specify what measures will be taken by the organisation to support the employee in improving his/her performance. Such measures may include: training; additional supervision; the reallocation of other duties; or the provision of additional support from colleagues.

7.1.3 Additional training and/or support

The manager should identify additional training and/or support that could be offered to the employee and ensure that support is delivered within the timescale specified in the Performance Improvement Plan.

7.1.4 Timescales

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

Review periods should usually last for three months. However, it is acknowledged that there may be times when the timescales may be shortened or lengthened. Advice and support should be requested by Human Resources in these instances.

It may be appropriate to change the suggested timescales for reviewing performance in certain circumstances

For example when an employee:

- Is undertaking a **business critical post and / or there is a risk to service delivery** the timescale may be shortened
- Has a **disability that may be impacting on their work performance.**
In such circumstances the performance management policy and procedure may be varied to take account of reasonable adjustments needed in individual circumstances due to disability. This includes varying the average anticipated timeframe of three months per stage and / or repeating stages as required

7.1.5 Outcomes

Clearly define the expected outcomes required, following the implementation of any additional training and or/support specified in the PIP. It should also define the specific consequences if the employee does not achieve the required standard in the timescales specified in the PIP for example issue formal warning, dismissal on the grounds of capability

7.2 Feedback during the Performance Improvement Plan

As part of the performance improvement plan, the employee will be given regular feedback from their line manager indicating the extent to which the employee is on track to deliver the improvements set out in the plan.

If the organisation feels that the performance improvement plan is not progressing in a satisfactory way, a further formal meeting may be held with the employee and their Trade Union representative/work colleague to discuss the issue. As a result of such a meeting, the employer may amend or extend any part of the programme.

8. Appeals Process

8.1 Management of Appeals

8.1.1 The Council reserve the right **not** to accept an appeal if

- The appeal letter is submitted outside specified timescales
- the grounds of appeal are not specified
- the ground of appeal do not comply with the grounds specified in the procedure

8.1.2 Non-attendance at Appeal Hearings

If an employee does not attend an appeal without good reason on the date specified in the letter, the appeal may be postponed for up to 5 working days. Failure to attend the next re-arranged appeal hearing may result in the appeal being heard in the absence of the employee.

If an employee is off sick, the manager will seek medical advice from Occupational Health to establish the employees ability to attend an appeal hearing, and or

participate in an appeal process in a different way, such as submitting all relevant documentation for consideration at the hearing.

8.1.3 Grievances during a Performance Management Process

The ACAS Code provides that where an employee, who is subject to a Performance Management process raises a grievance during the Performance Management process, the Performance Management process **may** be temporarily suspended, to deal with the grievance when:

- The grievance relates to a conflict of interest that the manager holding the formal performance management meeting is alleged to have.
- Bias is alleged in the conduct of the formal performance management meeting(s).
- Management has been selective in the evidence they have considered in the formal performance management process
- There is possible discrimination

NB The Grievance Policy should not be used by an employee to make a complaint about a manager who is seeking to discuss or address issues of performance, where this is the sole reason for the complaint.

It is a fundamental part of a manager's role to ensure that the performance of employees within their teams or departments is at the required standards.

However, managers must be able to demonstrate there is a clear and legitimate justification for addressing performance issues and ensure that a fair and reasonable approach is taken when doing so and employees may use this Grievance Policy if they believe that this has not been done.

8.2 Appeal against a Stage 1 warning

An appeal against Stage 1 should be sent in writing to a more senior manager (specified in the outcome letter) to that who issued the formal warning, and should set out the grounds of the appeal:

- whether the policy/ procedure has been applied correctly
- whether the employee has been treated fairly and consistently;
- If there are any issues of potential discrimination issues

The appeal should be sent within 10 working days of the employee receiving written confirmation of the formal warning.

An appeal hearing will be convened to consider the matter. At the hearing, the decision to issue the formal warning will be reviewed and the employee will be entitled to be represented by a trade union rep or workplace colleague. An HR representative will also be present to provide advice and guidance at the appeal hearing.

The outcome of the appeal will be confirmed to the employee in writing, explaining the grounds on which the decision was reached. The outcome of the appeal will be final. The outcomes may be as follows:

- Confirm the formal warning and discuss and implement revised Performance Improvement Plan
- Take out of performance management process
- Move back into the informal performance management process

8.3 Performance Management Dismissal Appeal Process

The conditions of service give employees the right of appeal against their dismissal. If they wish to exercise this right they may do so either individually or through their trade union by notifying the Chief Executive, Town Hall, Brighton Street, Wallasey, CH44 8ED, who will arrange for the appeal to be heard by a relevant Director or Assistant Director. Appeals must be submitted within 10 working days from the date the outcome letter is received.

The appeal letter should state the grounds for the appeal:

- whether the policy/ procedure has been applied correctly
- whether the employee has been treated fairly and consistently
- If there are any issues of potential discrimination issues

An appeal hearing will be arranged to consider the matter in accordance with the Dismissal Appeal Procedure. The employee will be entitled to be accompanied by a trade union representative or work colleague.

The result of the hearing will be either to confirm the decision made at the meeting, or choose an alternative outcome that was available to the appeal panel.

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

- Take employee out of the formal performance management process
- Employee to remain in formal stage 1 process and extend period of Improvement
- Re-issue formal warning
- Consider redeployment
- Confirm Dismissal on grounds Capability

The outcome of the appeal will be confirmed to the employee in writing, within 10 working days of the appeal hearing, explaining the grounds on which the decision was reached. The outcome of the appeal will be final.

9. Equality Act 2010

When considering performance management, managers must be aware of the Equality Act 2010 and the potential implication on the employment of the employee

The Equality Act 2010 outlines the protected characteristics, which are:

- Disability
- Sex
- Race

- Age
- Gender Reassignment
- Sexual Orientation
- Religion and Belief
- Pregnancy and Maternity
- Marriage and Civil Partnership

NB Managers should seek advice from HR if you have concerns on application of the Equality Act in relation to the performance management procedure

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Appendix 1

Format for Performance Management Meetings

Manager chairing the meeting should:

1. introduce all parties present
2. Explain the purpose of the meeting
3. Formally outline the performance concerns to the employee (and their TU rep/work colleague)
4. Invite a response from the employee and/or their Trade Union representative/work Colleague, as to the possible reasons why their performance is poor/has dropped. such as lack of training, person/work issues affecting performance/ lack of motivation
5. Adjourn the meeting and consider the explanation and decide on outcome
6. Reconvene the meeting and inform the employee of the outcome or confirm that the decision will be given in writing.
7. The decision should be confirmed in writing with 10 days of the meeting.

NB Where a Performance Improvement Plan is identified as part of the outcome of the meeting, arrangements should be made to discuss and implement the PIP with the employee and/or Trade Union representative/Work Colleague. In order to avoid delay, this should ideally be undertaken on the same day as the Performance Management Meeting

Appendix 2

Format for Performance Management Appeal Meetings

Manager chairing the meeting must:

1. Introduce all parties present
2. Explain the purpose of the meeting
3. Formally outline the performance concerns to the employee (and their TU rep/work colleague)
4. Invite the manager, who made decision on formal action, to outline the reasons for the action i.e. issuing formal warning/ dismissal
5. Invite a response from the employee and or their TU Rep /work Colleagues, as to the possible reasons why their performance is poor/has dropped such as lack of training, personal/work issues affecting performance/ lack of motivation
6. Adjourn the meeting and consider the explanation and decide on outcome
7. Reconvene the meeting and inform the employee of the outcome or confirm that the decision will be given in writing.
8. The decision should be confirmed in writing with 10 days of the meeting.

NB The decision of the appeal is final.

Appendix 2

Template Performance Improvement Plan

Performance Improvement Plan for: <Name>

Description of the performance issues:	<Enter a description of the nature of the underperformance.>
Aim of the Performance Improvement Plan:	<Enter the overall aim of the Performance Improvement Plan.>
Plan Start Date:	<Enter the date the Performance Improvement Plan commences.>
Interim Plan Review Date:	<Enter the interim review date of the Performance Improvement Plan.>
Plan End Date:	<Enter the date the Performance Improvement Plan finishes.>

Performance Targets/Outcomes expected <i>Detail specific area where performance standards have not been met</i>	Performance Concern(s) <i>Detail specific dates and examples of where the standards have not been met</i>	Expected Standard of Performance/Success Criteria <i>Detail what is expected of the employee in terms of their performance i.e. what does 'good' look like</i>	Agreed Improvement Actions <i>Detail what actions need to be taken to meet expected standards of performance</i>	Training/Support <i>Detail what has been agreed in terms of support required to achieve the expected standard of performance</i>	Interim Review Date	Review Notes <i>Detail improvement made and any future review dates</i>	Date to Achieve Expected Standard
EXAMPLE: Organisational skills – difficulty organising / prioritising workload	EXAMPLE: Two deadlines missed and complaints received	EXAMPLE: Operate daily 'To do List' and a diary. Respond to emails within 3 working days	EXAMPLE: Training in Outlook tasks lists and calendar	EXAMPLE: To be reviewed in 4 weeks	Insert interim review date	EXAMPLE: Outlook training completed on DATE, daily to do lists	Final review date or extension of date to achieve

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			To shadow colleagues			being written. Responding to emails faster, but further improvement needed. Work shadowing to continue, review in 2 weeks	expected standard / additional support required?

This Performance Improvement Plan has been agreed by:	Name:	Signed:	Date:
Manager:			
Employee			