

POLICY	Performance Management
POLICY NUMBER	CFL026
EDITION	
DATE OF ISSUE	DATE OF REVIEW
SIGNATORY	

## 1 Introduction

CONFIDANCE for Life is keen to make sure that all employees are aware of the performance standards required of them to do their jobs properly. The organisation will ensure that those standards are established by line managers and that performance is maintained through regular performance reviews by means of the support and supervision system and Staff Appraisals. Employees will be given training and support where necessary, to meet and achieve those standards.

Where, after the satisfactory completion of the probationary period, an employee's performance fails to meet the standard required, the Performance Management procedure will be used, to ensure that there is a clear framework within which to operate, that staff are treated in a fair and consistent manner, and given encouragement and training to meet the required standard.

If, despite having been supported, trained and encouraged to improve, there continues to be concern about the standards achieved by members of staff, the organisation may have no option but to consider terminating the employment contract. This will only occur after the procedures outlined below have been exhausted.

This document does not form part of your contract of employment and may be changed from time to time in line with current best practice and statutory requirements, and to ensure that business needs are met. You 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 statute.

## 2 Principles

This procedure will work in accordance with the following principles:

- Informal action

Since it is the Management Committee's (MC) aim to encourage acceptable standards of conduct and performance, every effort will be made to deal with relatively minor problems through informal counselling by the line manager, as detailed in section 4, with the aim of avoiding the need to implement the formal procedure. This will include setting clearly defined objectives and standards, and monitoring them over a reasonable time period. The supervisor will arrange for provision of

support, practical assistance and/or training as appropriate to ensure that acceptable standards of work performance are met.

- Investigation

This procedure is designed to establish the facts of each case, and to deal consistently with performance issues. No formal action will be taken until the matter has been fully investigated. Written records of all investigations will be kept including notes of any investigatory meetings held to establish the facts of the case. At the investigatory stage it will be made clear to the employee that it is a fact-gathering exercise and that the decision at the end of the investigation will be to:

- Drop the matter
- Use the informal process
- Use the formal Performance Management process

- The right to be accompanied

At all stages of the formal performance management procedure employees have the right to be accompanied by a work colleague or trade union representative. Before any meetings take place the employee should tell the employer whom they have chosen as a companion. The companion will be allowed to address the hearing in order to:

- Put the employee's case
- Summarise the employee's case
- Respond on the employee's behalf to any views expressed at the hearing
- Confer with the employee
- Ask witnesses questions if required

It will not be acceptable for the companion to:

- Answer questions on the employee's behalf
- Address the hearing against the wishes of the employee
- Prevent the organisation from explaining their case

Should the companion attempt to act outwith their remit or display signs of aggressive and/or disruptive behaviour the meeting will be adjourned until the companion agrees to comply with their remit or a replacement companion can be found.

- Interpreter

In addition, where the employees' first language is not English and an interpreter is needed, the companion may interpret for the employee or an interpreter may attend in addition to the companion. Before any meetings take place the employee should tell the employer whom they have chosen as a companion and if the companion is able to interpret for the employee or if there is the need to appoint an interpreter. Where it is necessary to appoint an interpreter the costs will be met by the organisation.

- Right to appeal

At all stages of the formal procedure you have the right to appeal against any action taken.

- Disability

At all times during any informal or formal proceedings the organisation will ensure, where they know an employee has a disability, to make any possible reasonable adjustments to ensure the procedure is fully accessible and understandable to all employees. These adjustments may include but are not limited to:

- Location and timing of meetings
- Alternative formats of all written disciplinary information
- Equipment such as an induction loop, sign language interpreter
- Appropriate adjustments for people with a learning disability

- Records

Accurate records will be kept at each stage of the procedure. These will be stored confidentially and retained in accordance with the timescales noted in this procedure and the Data Protection Act 1998.

- Implementation stage

The procedure may be implemented at Stage 1, 2 or 3 if the alleged poor performance warrants such action.

- Timescales

All timescales mentioned in relation to arranging hearings and giving decisions are subject to change in the event that particular circumstances prevent them being adhered to.

### 3 Related policies and procedures

- Support and Supervision Policy and procedure
- Staff Appraisal Policy and procedure
- Training and Development Policy and Procedure
- Disciplinary Procedure
- Absence Management Procedure

This procedure runs parallel with, but is not part of, the disciplinary procedure. The employer recognises that poor job performance cannot be treated as 'disciplinary offences' unless arising from deliberate misconduct.

### 4 Informal Discussion – Identifying the problem

Before deciding on the most appropriate form of action, the reasons for below standard performance should be clarified with the employee by means of an informal discussion. The line manager/supervisor will ask the employee to meet with them for an informal discussion at which they describe the below standard performance and find out why the work is not to standard.

The manager will explore the cause of the employee's poor performance. Causes could include, for example, lack of skills, inadequate training, lack of support staff, tools or other resources, lack of communication or problematic working relationships. The manager carrying out this initial

counselling will give the employee factual examples of his/her unsatisfactory performance and the employee will be asked for his/her explanation, which will subsequently be followed up and checked where appropriate.

At this meeting, the line manager will agree performance standards with the member of staff, and a time period over which improvement will be expected. They will also agree how the individual's performance will be monitored.

Where the reason for unsatisfactory performance is lack of the required skills, the employee will, where practicable, be assisted through training and be given reasonable time to reach the required standard of performance. If it is a question of lack of support staff, tools or other resources or facilities, attention should be paid to this and assistance provided if appropriate.

If the individual's performance improves adequately over the timescale, then the process will terminate at this stage. If performance remains unsatisfactory, then the formal procedure will be invoked by the Line Manager.

- Misconduct

If, as a result of the informal discussion, the Line Manager/Supervisor considers that poor performance is due to misconduct by the employee, (for example a failure to follow reasonable instruction without any apparent cause) they will be entitled to invoke the Disciplinary Procedure.

- Health or disability

If the poor performance is related to a health or disability issue, the manager may seek a medical report from the employee's GP (with their consent) or from an Independent Medical Adviser. Such reports will be discussed with the employee with a view to what actions, if any can be taken to balance the impact of the condition with the needs of the employee and the needs of the organisation to have the employee fulfil their role. If the health or disability issue is resulting in frequent or long term absence then the Absence Management Procedure will be used.

If the presence of a disability is established under the Disability Discrimination Act, then the issue of 'reasonable adjustments' may need to be addressed by managers and the employee. A 'reasonable adjustment' could mean, for example, adjusting equipment, ensuring regular breaks or adapting working patterns. Further support may be available by arranging for an Access to Work assessment.

## 5 Formal Procedure

Where, despite previous support, the employee is unable to reach or maintain the required standard of performance, the following formal procedure will be followed.

- Investigation

An investigation will be completed prior to any formal action being taken.

The person/s designated to investigate will identify and clarify the issue by establishing the essence of the problem. The matter must be investigated in a systematic and thorough manner by gathering information promptly, establishing relevant facts and taking into account statements of witnesses if appropriate.

The employee will be expected to attend any investigatory meeting called.

A written report based on evidence gained e.g. by interviews and observation of performance will be prepared by the investigator. The report should be precise and specific in the observations and comments it makes and shall contain clear information on:

1. areas where the member of staff is failing to perform adequately
2. actions already taken by management to address these failings and whether these actions were adequate - i.e. were clear performance standards set and monitored
3. whether the member of staff acknowledges a problem and shows a willingness to improve
4. the impact of the individuals failings on colleagues and work output
5. any other mitigating factors

The report should be given to the member of staff concerned who may record in writing any comments on the observations contained within the report.

The Senior Manager / Director will consider the report, and may opt to take one of the following options:

- no further action
- instruct the line manager to set reasonable performance standards for the individual and monitor these for a set period of time. *(This option should be chosen if this has not previously been carried out adequately and at least three months given to improve)*
- convene a formal hearing to consider the matter further

- **Formal Performance Management Hearings**

Where it is considered necessary to hold a Formal Performance Management hearing the employee will be asked, in writing, to attend the hearing. The letter will include information detailing the nature of the performance concerns and any supporting documents available. It will also detail the date, time and place of the interview, who will be present, and include the right to be accompanied by a work colleague or recognised trade union representative. The letter will also indicate the fact that the meeting will be a Formal Performance Management meeting and the level of seriousness with which it is being treated. At the meeting, the employee will be given the opportunity to explain their position.

There are four possible outcomes to a Formal Performance Management Hearing

- No formal action
- Stage One - Performance Warning
- Stage Two - Final Performance Warning
- Stage Three - Compulsory Transfer/Demotion or Termination of employment [*this outcome would not normally be expected to be reached at the first Formal Performance Management meeting. Note also that the right to impose a sanction short of dismissal, such as demotion, should be included in the contract of employment.*]



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## No formal action

If the failings are found to be not sufficiently serious to warrant a formal warning or where there are acceptable mitigating circumstances, then monitoring should be discontinued subject to a clear indication to the member of staff that it may be reintroduced if the problem(s) reappear.

## Stage One : Performance Warning

A letter should be sent to the member of staff confirming the decision and the reason(s) why it was made. The employee will be fully informed of the precise nature of the poor performance, the level of improvement required and the time limit for achieving that improvement, review periods during the currency of the warning, the consequences of failure to achieve or maintain the improvement and the length of time the warning will remain 'live' on the employee's file.

The time scale for improvement will depend on the nature of the duties and responsibilities of the employee concerned and the seriousness of the complaint(s).

## Stage Two : Final Performance Warning

If there is no improvement or insufficient improvement after a Stage Two Warning, or if improvement is not maintained for the period stated in the Stage Two Warning, the employee will be given a Final Performance Warning setting out the details as outlined above in the Stage one warning. The Stage Three Final Warning will include a statement that a failure to improve to the required standard is likely to result in dismissal.

## Stage Three - Dismissal

If there is still no improvement or insufficient improvement after a Stage Three Final Warning, or if improvement has not been maintained for the period stated above, the employee will normally be dismissed with notice or pay in lieu. Alternatively, at the employer's entire discretion, alternative work elsewhere in the employer's organisation may be offered to the employee if any suitable posts are available.

## 6 Appeals

If the employee wishes to appeal against any formal action which has been taken, they must do so in writing to the Chair of the MC within 10 working days of being notified of that decision. They should make clear the reasons for their appeal. If possible, a person or persons who have had no direct involvement in the formal action being appealed will hear the appeal.

The appeal hearing will be arranged as soon as possible, and in any event no longer than 10 working days from the receipt of the written notice of appeal. The employee will be informed of the outcome of the appeal within 5 working days of the hearing.

The outcome of the appeal hearing will be final.



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## 7 Length of time that warnings will remain 'live'

In each case, the organisation will specify the length of time that the warning will remain 'live', but reserves the right to extend the time period in appropriate circumstances. Normally warnings will remain live as follows:

- Stage One warning: 6 months
- Stage Two Final warning: 12 months