

HR Employment Policy & Procedures

# Supporting Employee Performance

Implementation Date: August 2019

The behaviours outlined in the ACHIEVE Framework should be reflected in the application of this Policy.



## Document Management - Version Control

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<b>Lead Officer</b>	Cher Colquhoun, HR Adviser		
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	Trades Union Convenors	18 <sup>th</sup> June 2019	
	JCF (if applicable)		
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<b>Accompanying Documentation (incl. EIA)</b>	Accompanying guidance for managers, including forms and template letters ( <a href="http://intranet.west-dunbarton.gov.uk/transformation/people-technology/hr-online/core-employment-">http://intranet.west-dunbarton.gov.uk/transformation/people-technology/hr-online/core-employment-</a>		

	<a href="#">policies/supporting-employee-performance/</a> Existing EIA (2014)
<b>Linked Policy, Schemes and Procedures</b>	

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# Supporting Employee Performance

## 1. INTRODUCTION

The Council will seek to ensure that our recruitment and selection processes are of the highest standard to ensure we recruit the most appropriate candidates. Throughout an employee's career, we will endeavour to ensure that every employee is supported to achieve and maintain high standards of work; are aware of and meet the standards of the ACHIEVE framework whilst undertaking the duties for their role to a satisfactory level.

- 1.1 The objective of this policy is to ensure that employees are given advice, support, encouragement and guidance to improve work performance, and maintain appropriate standards, where issues in relation to performance arise.
- 1.2 The Council is committed to ensuring that all employees have the appropriate skills, knowledge, competence and aptitude to undertake their role effectively and that there is a clear procedure for managing and addressing performance issues in a reasonable and supportive manner.

## 2. SCOPE

- 2.1 This policy and procedure applies to Local Government Employees, Chief Officers and Craft Workers. Separate Performance Management policies and procedures exist for Teachers and for the Chief Executive.
- 2.2 The Council will ensure that good equal opportunities practice underpins the operation of this policy irrespective of age, disability, sex, gender re-assignment, race/ethnicity, religious faith/beliefs and sexual orientation, marital status, pregnancy/maternity. An equality impact assessment has been completed.

## 3. KEY PRINCIPLES

The key principles of this policy are:

- 3.1 **Clear performance standards** - Managers will ensure all employees are aware of their role, duties, responsibilities and required standards of performance and behaviour. The manager should refer to the Job Description and Person Specification to make sure that standards are in line with specified requirements of the role. Personal objectives, development, training and support will be agreed through the ["Be the Best Conversations"](#) framework. Performance standards will take account of different measures of performance relevant to the job and the "Be the Best Conversations" process will be used as a basis for discussing and agreeing performance expectations.
- 3.2 **Support and Supervision** - Employees will receive appropriate support to enable standards and targets to be met. Regular reviews and support such as "Be the Best Conversations" and Supervision Policy (HSCP) will help

managers regularly review performance and help to manage and identify under performance early.

**3.3 Supporting Improvement** - Managers will always seek to resolve issues informally, encouraging and assisting improvement wherever possible. Managers should create an open and honest culture whereby performance issues can be discussed. When issues arise managers should ensure consistency and confidentiality with any underlying reasons and mitigating circumstances taken into consideration.

**3.4 Managing Improvement** – Performance issues will be dealt with initially on an informal basis. Formal action will only be appropriate where the initial informal approach has not led to the necessary improvement in performance, or where the capability issue is of a serious nature. Employees will be given the opportunity to state their case and be represented at all formal stages by a union representative or work colleague.

## **4 PERFORMANCE MANAGEMENT**

When performance concerns become apparent, action is required in the interest of both the service and the employee. A failure to deal with this may adversely affect colleagues and the quality of service. Performance concerns in relation to supervisors and managers require immediate attention from line management. Managers are crucial in creating the culture and workforce environment where employees are able to deliver results in a supportive environment.

## **5 PRE-REQUISITES FOR GOOD PERFORMANCE**

The key to preventing poor performance is to be clear to employees what standards are expected of them, with the following being key to this:

### **5.1 Job Description and Person specification**

The job description should include the main duties of the post. The person specification should outline the experience, qualifications and skills that would be expected to carry out the duties of the job. The Job Profile should not be a static document and should be reviewed when the needs of the post or if the occupancy of the post changes.

### **5.2 Recruitment and Selection**

Recruiting the right person with the necessary skills and experience to be able to perform in the job is key to ensuring satisfactory performance is achieved. The interview should be used as an opportunity to assess how closely candidates meet the specification for the job and should include any specifics of the job i.e. in this job you will be required to work some weekends.

### **5.3 Induction**

The induction process is an essential part of beginning a new job. It can help employees settle in quicker, get to know the organisation better and to make clear what standards are expected of them. The Council have corporate induction programmes for all new employees and managers. Where possible, this should be supplemented by a service introduction.

#### **5.4 Be the Best conversations**

These conversations must be carried out regularly throughout the year to engage, re-focus and review progress. This can be an opportunity for both employees and managers to discuss all aspects of the role. The meetings should be open and honest and include positive feedback as well as any areas for development, support and improvement.

#### **5.5 Team Meetings**

Regular team meetings should be held by managers, ideally once a month. These meetings can be used to focus the team and reiterate team goals. This can also be an opportunity to discuss any problems the team are facing. This should also be an opportunity for team members to share knowledge and experience to help the development of the team as a whole.

#### **5.6 Workload Management**

Managers are responsible for ensuring that the workload of their employees is reasonable and manageable. Where there are conflicting and competing priorities employees should make managers aware to agree solutions. Employees should receive appropriate support and guidance for managing their workload.

### **6 APPLICATION OF POLICY AND PROCEDURE**

**6.1** This policy and supporting procedure is designed to deal with instances where the employee needs assistance in some area of skill, ability, experience or knowledge which results in sub-standard work or unsatisfactory performance. The procedure provides a structured and supportive framework to address performance issues and encourage improvement.

#### **6.2 Identifying that there is a capability issue**

In order to determine whether there is a capability issue, the following questions should be considered:-

- What are the indications that the employee is not meeting the requirements of the job?
- Are there factual grounds to indicate inadequate performance, such as not meeting objectives or failure to deliver the requirements of the job?

**6.3** The Manager should consider the reason for performance issues and refer to the appropriate Council policy and procedure relevant to the circumstances.

- 6.3.1 Conduct** – Where the employee appears unwilling or negligent in undertaking the duties of the role rather than failing to meet the standards expected through a lack of ability/skill/knowledge or training this will be considered a conduct issue and will be dealt with under the [Disciplinary Policy and Procedure](#).

Examples of this behaviour would be if an employee is asked to complete a task but refuses to do so and does not have a valid reason for not undertaking the task; or, where the employee's conduct at work falls below the standards expected. Advice should be sought from Strategic HR in this circumstance.

- 6.3.2 Capability** – Where the employee lacks the skills, experience, knowledge, qualifications or training to undertake the role this will be dealt with as a capability issue. If, despite adequate support an employee is unable to perform all aspects of their role satisfactorily other options such as the SWITCH policy should be considered before the capability procedure outlined in section 13.2.5 should be followed.

The manager should try to establish whether the employee is underperforming due to health or personal reasons. It may be appropriate to make a referral for counselling, occupational health, consideration of redeployment or ill health retirement. Where the employee's condition is likely to be covered by equalities legislation, reasonable adjustments and appropriate support must be considered. Health issues should be dealt with through the Supporting Employee Wellbeing Policy.

## **7 CODES OF PROFESSIONAL STANDARDS, PERFORMANCE, CONDUCT AND ETHICS**

- 7.1** Where there is a professional requirement for an employee to adhere to a code of professional standards, performance, conduct and ethics employees are required to uphold these standards at all times. Employees who require to be registered with a professional body, for example SSSC, will be referred to the relevant body by the line manager if performance issues arise. There are criteria for this so please speak to Strategic HR if unsure.

## **8 QUALIFICATIONS**

- 8.1** Individuals that are required to drive in order to undertake the normal duties of a post must hold a valid UK license that covers the appropriate class of vehicle.
- 8.2** In the circumstance that an employee is disqualified from driving and driving is a specified duty of their job, they are therefore unable to meet the terms of their contract. Employees have a responsibility to advise of disqualification / health issues with regards to driving council vehicles. Contact should be made with HR for advice on how to proceed.



- 8.3** If the reason for disqualification for driving relates to ill-health, advice should be sought from the Council's Occupational Health provider to determine whether there are any reasonable adjustments that could be made or whether the employee would be considered to have a disability under the Equalities Act 2010 in which case there is a legal obligation to make adjustments.

## **9 SICKNESS DURING PROCESS**

If an employee is sick during this period an occupational health appointment should be made in which the OH professional should be asked whether the employee is fit to take part in the procedures. The Council's Stress Management Policy should be followed in instances of stress.

## **10 LINE MANAGEMENT**

If an employee feels unable to raise issues with their own line manager, they may do so with a more senior manager. All managers should encourage a culture of openness and visibility so that they are approachable in such circumstances.

## **11 REVIEW AND MONITORING**

- 11.1** The policy and procedure will be reviewed in line with employment legislation and employment practice. Any amendments to the policy will be implemented after full consultation with the trades unions.

## **PROCEDURE FOR SUPPORTING AND MANAGING PERFORMANCE ISSUES**

### **12 STAGE 1 - INFORMAL DISCUSSION**

- 12.1** The vast majority of performance issues will be managed informally by reinforcing the standards expected and assisting and encouraging the employee through appropriate supports to achieve the required improvement in performance standards. Managers should have a professional dialogue with their employees and approach any performance issues.
- 12.2** The employee should be invited to attend an informal discussion meeting. The manager should take a note of this meeting detailing matters discussed alongside key actions agreed, with timescales where relevant. The areas of concern should be discussed with the employee with examples provided. The approach should be to support improvement through offering advice and guidance on expected future performance and to support the employee to achieve the standards required. Examples of supports are included in Appendix A.
- 12.3** The manager should also consider if the standards set were appropriate, i.e. was the employee given inadequate instruction, training or supervision? If

this is the case, the manager must acknowledge this with the employee and put measures in place to correct this immediately.

At the end of the informal discussion, a suitable period should be agreed in which to review the performance. The timescales agreed should allow adequate time for improvement, taking into account the nature of the concerns and the support mechanisms which have been agreed. Depending on the circumstances, it may be appropriate to hold more than one such meeting at appropriate intervals. The employee should be made aware that failure to demonstrate an improvement in their performance within this period is likely to result in the situation being dealt with on a formal basis.

**12.4** Review meetings should be conducted regularly to monitor the employee's progress. At these meetings, it is important that both the employee and the manager have an opportunity to reflect and feedback their own perspective on progress made. Dependent on the level of performance achieved by the agreed final review date, the following action should be considered:

- where the performance is satisfactory and is maintained, the employee will be given positive feedback and application of the procedure will cease. (Letter 2);
- should significant improvements be evident, but required standards of performance not yet achieved the manager can extend the review period for a further period (Letter 2(ii)); or
- where there has been insufficient improvement, or a further shortfall in performance, and the Manager is satisfied that all adequate support has been provided, the matter
- should progress to the formal stage. (Letter 3).

**12.5** If, at any stage during the informal or formal procedure, it is considered by either the Manager or the employee that a redeployment opportunity which is more commensurate with the employee's qualification, knowledge, skill and ability would be beneficial and a post is available, this should be considered and discussed with the employee. The employee should be made aware at this stage that if there is a refusal of the post it may not be available later in the process and failure to meet performance standards continuously could ultimately lead to dismissal on the grounds of capability. Any subsequent redeployment would be on the terms, conditions and grade for the redeployed post.

## **13 FORMAL PROCEDURE**

**13.1** If, following the agreed final review date there has been insufficient improvement a formal approach will be taken. The Manager should be able to clearly demonstrate to the employee why the matter is progressing to the formal stage, support provided, and examples of continued underperformance. The formal process is used for clear performance issues and it would be rare for one incident to lead to the formal process being applied. This assumption is based on awareness that the employee will have

been recruited into the post and is expected to have the necessary skills and abilities.

An improvement action plan should be agreed at the formal meeting. As a guide an 8-12 week structured improvement period would be set however the timescale for improvement should reflect the actions/degree/volume of support/training required.

If the timescale is unrealistic, i.e. to complete the required training or a learning intervention, or if felt appropriate, then a longer period could be agreed. The employee will be provided with a copy of the agreed objectives, outcomes and timescales set out in the action plan. (Letter 1).

**13.2** The formal stages are detailed below.

### **Stage 2 - Capability Meeting**

**13.2.1** The employee will be provided with 5 working day's notice of the Capability Meeting and the right for representation at the meeting.

An improvement action plan is key for monitoring performance and making sure that the employees know what is expected of them. A collaborative approach with the employee should be taken when determining the course of action that will enable the employee to reach the required standard. The following should be discussed and recorded as appropriate:

- clearly explain the shortfall between the employee's performance and the required standard, providing examples;
- explore with the employee possible causes of the performance problem, review support already provided and whether other support can be provided e.g. training, retraining, monitoring, shadowing, general support, reasonable adjustments, tailored adjustment agreement (where appropriate);
- allow the employee to have an opportunity to challenge and/or put forward any facts and evidence for consideration;
- agreement of improvement plan and further targets;
- set review period and final review date
- explain to the employee what will happen if the standard is not met within the formal review period.

## **Follow Up Action**

**13.2.2** The outcome of the meeting will be confirmed in writing to the employee (Letter 4). The letter will also advise that should the employee fail to improve and sustain satisfactory performance by the end of the review period this may result in progressing to Stage 3. There should be regular review and constructive feedback during the review period.

**13.2.3** At the agreed review date a final review meeting will be held. At this meeting the employee's progress will be discussed, dependent on progress the outcome of the review will be:

- where a substantial improvement has been made, but not to the full level required, the Manager may elect to extend the review period for a further 4 weeks (Letter 5);
- no further formal action as specified levels of performance achieved, however a performance improvement note will remain on file for 6 months (Letter 6) ;or
- the employee has made little or no improvement, and has shown few signs that they will be capable of meeting the required standards and the matter will therefore progress to stage 3 (Letter 7).

## **Appeal of Stage 2**

**13.2.4** Where it is considered that an unreasonable approach has been taken in the application of the procedure, the employee has the right to appeal to the next level Manager. This Manager will consider action taken and where appropriate, remedial action will be taken. In the case of a senior manager being performance managed, the appeal may go to a peer of the line manager e.g. if a Grade 12 is being performance managed, the appeal could go to another Strategic Lead.

## **Stage 3 - Capability Meeting**

**13.2.5** This meeting will be convened within 5 working days and a Senior Manager will be appointed to consider the matter (Letter 8). The employee will have the opportunity to answer points and provide any other relevant information. The stage 2 Manager will provide details of all support provided. The Manager will consider the matter and make a decision which will be:

- in exceptional circumstances, elect to extend the review period for a further 4 weeks (Letter 9); or
- the employee has made little or no improvement, and has shown few signs that they will be capable of meeting the required standards the employee will be dismissed on the grounds of capability (letter 10).
- where dismissal is the final outcome the employee will have the right to appeal against this decision.
- if there is a vacant post consider this as an alternative for the employee.

## **Appeal of Capability Dismissal**

**13.2.6** Employees have the right to appeal against dismissal on the grounds of capability. Appeals against dismissal must be made in writing within 10 working days to the Strategic Lead of People and Technology, and will be considered by the Appeals Committee. The decision of the Appeal Committee is final.

**13.2.7** When lodging an appeal the employee must state the grounds and reasons for the appeal. An appeal will normally be based on one or more of the following grounds:

- procedural flaw/unfairness of penalty;
- new evidence has arisen which was not available and therefore not able to be considered at the original meeting which may have a bearing on the outcome.

## **14.0 RIGHT TO BE REPRESENTED/ACCOMPANIED AT FORMAL MEETINGS**

**14.1** Employees have a statutory right to be accompanied at formal capability meetings by a companion who may be:

- a fellow worker
- an official employed by a trade union
- a workplace trade union representative, as long as they have been reasonably certified in writing by their union as having experience of, or having received training in, acting as a worker's companion at disciplinary hearings. Certification may take the form of a card or letter.

**14.2** It will not be acceptable to request a specific companion who would not be available to attend the hearing, where this would prevent the hearing taking place within a reasonable timescale, if an alternative companion is more readily available.

**14.3** If the companion cannot attend on a proposed date, the employee can suggest an alternative date and time so long as it is reasonable and it is not more than **5** working days after the original date.

**14.4** The companion will be allowed to address the meeting, to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and to confer with the employee during the meeting. The companion, however, cannot answer questions on behalf of the employee or address the meeting if the employee does not wish it.

## **Appendix A**

Examples of support strategies are provided below, not all will be appropriate in every case and this must be decided on an individual basis.

### **1. Interim Review meetings**

Interim review meetings can be used to support the employee by having discussion around problems and solutions and keep a dialogue open between the manager and employee. This gives the manager an opportunity to monitor performance more closely and could allow for early resolution to performance issues.

### **2. Shadowing**

Similar to a mentor it may be possible for an employee to shadow another employee to try to help them develop their skills. Again conversations between the employee and the person they are shadowing will be confidential.

### **3. Training**

Where it is identified that the employee may need training in certain areas to develop their skills they should be given the time to attend the training and in discussion with the employee the line manager will organise the training.

### **4. Employee Counselling Service**

People Asset Management (PAM) covers employees of West-Dunbartonshire Council a confidential counselling service. This service can be accessed through the councils intranet page or by calling the employee helpline number on 0800 9703980.

### **5. Further Support Resources**

<http://intranet.west-dunbarton.gov.uk/transformation/people-technology/hr-online/support-for-employees/employee-wellbeing/>



Appendix B

Agreed structured improvement plan example

**West Dunbartonshire Council**  
**Performance Improvement Action Plan**

Name:	Line Manager:
Role:	Date:
Service/Directorate:	Review date(s):

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**Background summary of current performance, identifying performance areas for development**

Written communications – Frequent mistakes with grammar and spelling in report writing (specific examples could be given here)

Tables/Graphs/figures incorrect

Documents not being proof read

Poor relationships with colleagues/customers – complaints received in relation to the persons attitude

Failure to meet deadlines repeatedly (specific examples of how this is affecting the service)

Poor quality of work, expected standards not being met.

**Factors Influencing Performance**

Lack of employees/capacity issues

Lack of time for employees development

Relationship issues within the team

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<b>Actions to address issues including development required, including support/training required and outlining targets for performance.</b> <i>(clear statement of action)</i>	<b>Timescale</b> <i>(for completion)</i>	<b>Desired Outcome</b> <i>(including how this will be measured)</i>	<b>Review Notes outlining progress against targets.</b> <i>(complete at agreed review date)</i>
<b>Report writing training course</b>	<b>3 months</b>	<b>Improved report writing skills</b>	
<b>Assertiveness training</b>	<b>3 months</b>	<b>Less customer/colleague complaints</b>	
<b>Organising shadowing with a colleague to see how they plan and prioritise their work to meet deadlines</b>	<b>3 months</b>	<b>Meeting deadlines</b>	

Individual: .....

Line Manager: .....

Date agreed: .....

