



Employee Performance Improvement Policy

Introduction

RBKC is committed to putting residents first, by providing our residents and colleagues with the highest level of service. The performance of colleagues is key to ensuring that we deliver to a high standard. Managers are expected to proactively monitor and manage the performance of colleagues to maintain these high standards.

This policy should only be used over and above day to day performance management methods. It is intended for use where an employee consistently fails to meet the agreed performance standards, and the appropriate development/support and should be followed when regular supervisory meetings have not brought about the required improvement.

The policy aims to provide a framework that is fair, equitable and transparent for improving and maintaining employee performance.

Separate policies exist for dealing with disciplinary matters, management of absence concerns and performance during probationary period. Such concerns should be addressed under the appropriate policy.

This policy will be implemented in accordance with the principles of natural justice. Thus, the employee must be informed that there are concerns about their performance or competence and be given the opportunity to respond and improve.

Scope

This policy is applicable to all employees, including support staff engaged at or employed at schools where the governing body has formally adopted this procedure, with the exception of;

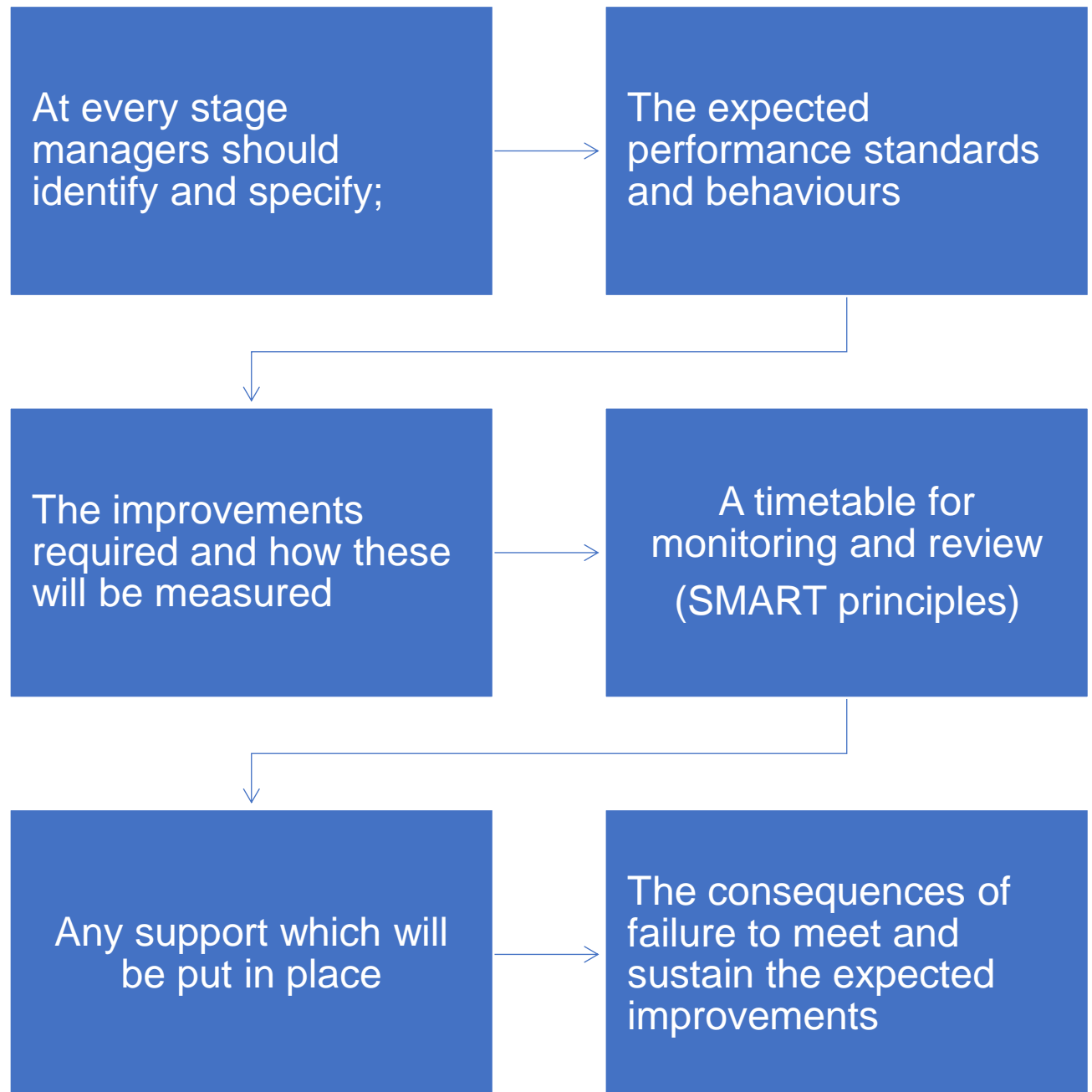
1. Teacher's, who have a separate procedure
2. Employees who are still within their probationary period and will be subject to the Council's probation policy and procedures.
3. The posts within The Council's Constitution denoted as Executive Directors, Directors and Chief Officers

What do we mean by 'Performance'?

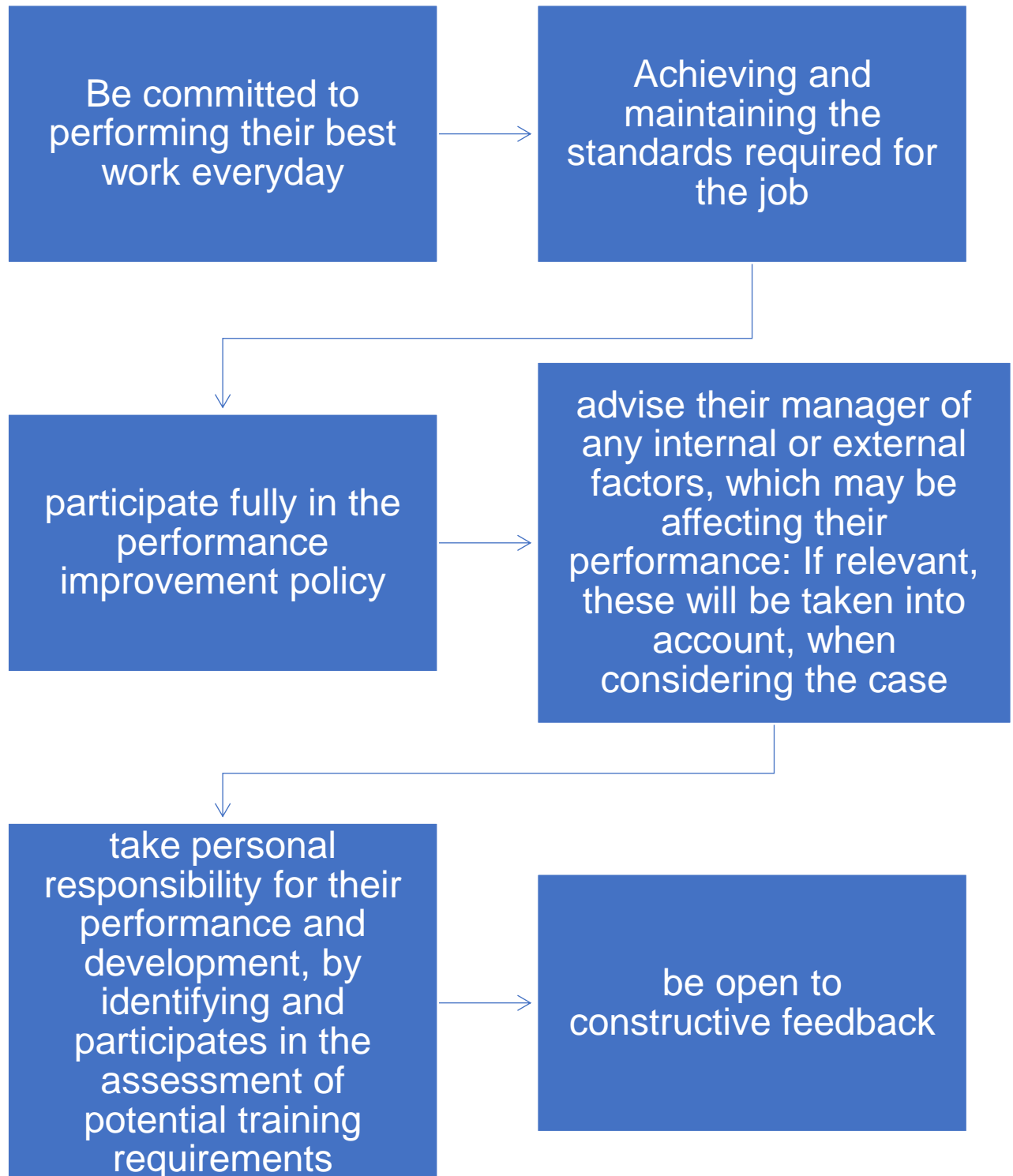
- Performance refers to an employee's skills, ability, aptitude and knowledge in relation to their job. A lack of performance is where an employee consistently fails to perform their duties to the required standards, assessed by reference to the required skill and aptitude.
- A key feature of lack of performance is that it is not the employee's fault. It is this that distinguishes it from poor performance due to conduct i.e. negligence, carelessness, apathy, idleness or lack of motivation.

- Poor performance due to conduct involves a measure of personal blame, and should be addressed through the Disciplinary Policy.
- Lack of performance implies that there is no element of choice in the employee's failure to measure up to the required standards. In which case managers will be required to consider the circumstances and give support to encourage improvement to the required standard of competence as set out in this policy.
- Where the consequences of an employee's error(s) are serious or potentially serious, e.g. safeguarding concerns, the Disciplinary Policy should be invoked.

Responsibilities - Managers



Responsibilities – Employees



Other related HR policies

- Where an employee is failing to achieve the required level of performance by reason of ill health, managers should refer to the Council's Management of Absence Policy or if appropriate the Alcohol & Drug Abuse Policy or Management of Stress Policy
- The possibility that an underlying medical condition might be contributing to an employee's under performance should always be considered before recourse to the formal performance procedures. This will be particularly important for those employees who have a disability.
- Where personal problems e.g. domestic violence, bereavement, etc. are a contributory factor affecting performance, managers must take this into consideration and ensure that appropriate support and advice is given to the employee. This may include referring the individual to the Employee Assistance Programme.
- In all the above it should be made clear in discussions with the employee that while reasonable support will be provided, objectives for improvement will be set and will need to be met.

Equality and Fairness

- Managers must be fair, consistent and objective in dealing with performance issues across their team(s). Concerns from employees about the application of this policy should be fully considered and responded to.
- Where the employee has a disability, the manager must give consideration to any reasonable adjustments, which may be necessary to enable the employee to improve their performance. Advice may be sought from Human Resources and/or Occupational Health if appropriate.

Timescales

- All parties should make every effort to meet the timescales set out in the procedure. If necessary the timescales may be varied, in which case all parties involved must be informed of the decision and the reason for it.
- If employees cite unavailability of their trade union representative (or work colleague) as a reason for not attending a formal meeting under this policy, then an alternative date may be arranged. This would normally be within 5 working days of the original date proposed. A rescheduled meeting would not normally be postponed again.

Inability to attend

RBKC recognises that it can be stressful to be subject to the performance improvement procedure and to be called to a meeting or hearing. However, RBKC has an obligation to deal with underperformance and to proceed without undue delay. The services of the EAP are available to colleagues

- Where an employee provides a fit note citing stress as a reason for non-attendance this, in itself, is not sufficient justification to delay the hearing. The employee, through their GP, should provide accompanying detailed medical reason for the employee being unable to proceed with the performance process at that stage.
- Where an employee is off sick they may also be given the option to attend the meeting at a neutral location (IE not on Council premises)
- Where the employee is unable to attend a hearing and provides a reason for failing to attend, which is acceptable to the panel, the hearing will be rearranged to another day. In making these further arrangements the employee should receive five working days' notice of the rearranged hearing.
- If an employee is unable or fails to attend a rearranged hearing, it may take place in the employee's absence. In deciding to proceed, the panel must take the circumstances leading to the non-attendance into consideration. The employee's trade union representative or work colleague may attend without the employee as a last resort and will be allowed to present the employee's case. The employee may be allowed to make a written submission as an alternative.

Process

INFORMAL STAGE

- Informal Meeting - no right to notice of meetings or to be accompanied during informal stage
 - Clearly state performance expectations and deficiencies, giving clear examples of when performance has been short
 - Invite employee's views, explore any underlying difficulties and/or issues. mitigating circumstances
 - Offer support, training reasonable adjustments if applicable
 - Agree performance improvement using SMART criteria to be demonstrated within 8 weeks maximum. Note This should not be 4 weeks if there are critical problems or where welfare/safeguarding could be compromised
 - Remind employee that failure to demonstrate and sustain required improvements could lead to formal action under the procedure.
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- Confirm ,meeting discussion and agreed improvements, timescales to employee in writing
 - Monitor performance for period agreed, ensuring training/other support is forthcoming where this has been agreed
 - Follow up meeting to review performance
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- If performance is now satisfactory acknowledge this and remind employee that performance must be sustained or process will resume at formal stage. Confirm in writing in 5 days
 - If performance remains unsatisfactory and there are no mitigating circumstances, confirm performance deficiencies verbally & in writing and proceed to formal stage
 - If performance is very poor/unacceptable, manager may proceed directly to stage 2 of formal procedure but should consult with HR before proceeding

1ST FORMAL STAGE

- Invite employee, in writing, to first formal meeting, giving 5 working days notice, and a copy of this policy
- If employee intends to be accompanied (current work colleague or TU rep only) they must inform manager of details at least 3 working days before meeting. Any written evidence from the employee must be submitted at least 3 working days before the meeting.
- An ER advisor may be invited, to assist the manager.
- At the meeting:
 - Re-state performance expectations, improvement targets set and support/training given and cites evidence of continuing performance issues
 - Invite employee (and representative, if present) to respond and present any evidence and/or mitigating circumstances to be taken into consideration
 - Set timescale for required improvements (normally no more than 8 weeks maximum and be no more than 4 weeks. The improvements required should be SMART. If there are critical performance problems or where welfare /safeguarding could be compromised) and warn employee that if they fail to meet and maintain the required improvements the process will move to the final Formal Stage - Hearing, which could lead to dismissal.
- Confirm meeting discussion and agreed targets and timescales to employee in writing within 5 working days.
- Monitor performance for agreed monitoring period
- If satisfactory acknowledge, but remind employee this must be sustained for at least 6 months or process will resume under the final formal stage a hearing
- If performance has not improved to required standard, proceed to Final Stage Hearing
- In exceptional cases only where there are mitigating circumstances why the employee has not been able to demonstrate performance improvement, monitoring period may be extended by up to 4 weeks (manager should first consult with the ER team)

FINAL
FORMAL
STAGE

- Employee's Head of Service/Operational Director convenes hearing (with notice period and deadlines for submission from employee as at first formal stage.)
- At the meeting, the manager re-states performance expectations, improvement targets set and support/training given and evidence/examples of employees continuing unsatisfactory performance
- The Head of Service/Operational Director
- Invites employee(and representative, if present) to respond and present any evidence and/or mitigating circumstances to be taken into considerationMakes decision either:
- Makes decision either:1.no further action
 - - no further action
 - - to dismiss
 - - to issue a final warning
 - - to redeploy to a suitable post within the service area (if such a post is available)
- Decision will be confirmed in writing to employee within 5 working days of the hearing.
- Dismissal will be with notice.

Decisions from the Final Formal Stage (hearing)

Following a review of the case made by both the manager and the employee and will assess the likelihood of the employee achieving the standard required with any further support.

The decision will be either:

1. A final opportunity to improve performance - This would only be where some improvement has been made and it is considered that a further short review period would achieve the required level of performance. The review period, generally be no more than 4 weeks, will be determined, and will involve monitoring by the manager. The written letter of notification will issue a final written warning that a failure to meet the standards required will lead to the employee's dismissal. Should this occur then the Hearing panel will be reconvened.
2. No further action - Acceptance that the employee has made significant improvements - The letter of notification will advise that satisfactory performance must be maintained for a period of 12 months. Any further lapses would result in a hearing being convened.
3. Where the decision is dismissal, the notice period will commence immediately once the employee has received written notification of their dismissal.
4. Redeployment to another post or demotion - Where the employee is deemed not capable of undertaking their current role then demotion or redeployment to another post that is within the employee's skills and abilities may be appropriate. This would be in limited circumstances e.g. where the employee has recently been promoted but had a record of satisfactory performance in their previous lower graded post.

Such an arrangement can only be made with the agreement of the employee and is subject to availability of a post. If the employee accepts this offer, then the terms and conditions (including pay) attached to this post will be applied. Advice must be sought from Human Resources before any discussions or decision is made to ensure compliance with employment procedures.

Appeals Procedure

Employees have the right to appeal against a first or final warning, or dismissal



The notification of the appeal must be made in writing to the relevant HRBP and lodged within five working days of receipt of the outcome from the Hearing. In their letter the employee must clearly set out their reasons for the appeal; it is not enough to merely state the grounds on which the appeal has been made. If further clarification or elaboration is necessary, either or both parties will be asked to provide this information within two working days of the request.



GROUNDS OF APPEAL

- The decision to dismiss was not appropriate and/or reasonable in the circumstances
- The targets/objectives and or the length of the review period was not appropriate and/or reasonable in the circumstances
- New evidence has come to light, which if available at the Hearing may have resulted in a different outcome

The process followed was procedurally flawed

Appeal Hearing

The hearing will confine itself to the grounds of appeal and will not be a full re-hearing of the original case. New evidence will only be considered where it significantly affects the previous decision and to not allow it would result in an unjust outcome.



Appeals, other than against dismissal, will be heard by another Head of Service and an ER Advisor, neither of whom should have been involved in the original Hearing.



The appeal hearing should take place within 14 working days of receipt of the employee's written notice of appeal. Where this timescale cannot be met the employee should be informed of the reason for the delay.

The outcome of the appeal will be final and there will be no further right of appeal.