



## **IMPROVING EMPLOYEE PERFORMANCE** **POLICY**

<b>Approved by:</b>	Governing Body	<b>Date:</b>
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### 1.0 **INTRODUCTION**

- 1.1 Employees have a responsibility to achieve an acceptable level of performance at work and must be supported and encouraged to reach this level.
- 1.2 Managers/Headteachers should set realistic and achievable standards consistent with the employee's role and should ensure that employees understand what those standards are in terms of the quality and quantity of work and the time and costs associated with the expected output.
- 1.3 This policy should be used for dealing with performance issues for all employees employed by the Council under the NJC for Local Government Services, JNC for Chief Officers, and Soulbury Terms and Conditions.
- 1.4 This policy does not apply to the Chief Executive who is governed by separate terms and conditions of service in this respect.
- 1.5 This policy does not include Teachers, for whom reference should be made to the [Capability Procedure for Teachers](#). However this policy does apply to school support employees subject to adoption by the Governing Body.
- 1.6 The formal process defined in this policy does not apply to those employees covered by the [Probationary Period Review Procedure](#) during their first six months in post.
- 1.7 Employees who have a period of long-term illness or maternity leave will have this process suspended during their absence and the process will recommence at the same stage on their return to work.

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### 2.0 **LINKS TO OTHER POLICIES**

- 2.1 Where poor performance is due to misconduct then this should be dealt with through the [Disciplinary Procedure](#).
- 2.2 Where poor performance is linked to health issues then reference should be made to the Council's Policies on [Managing Attendance Policy](#).
- 2.3 Where poor performance is related to a disability as defined under the Equality Act (2010) then consideration must be given to any reasonable adjustments which can be made to the workplace or job role. Further guidance is available in the [Supporting Disabled Employees at Work Policy](#).
- 2.4 Where poor performance is linked to issues relating to bullying, harassment or victimisation then reference should be made to the Council's [Dignity at Work Policy](#).
- 2.5 Where an employee works agile/from home/another location and the manager has concerns relating to their performance, they have discretion to review whether the working arrangement is still appropriate. When an employee is subject to the improving performance procedure they may be required to work from their contractual base and end agile working temporarily to allow any support/development/training to be put in place - until such time their performance has improved to the required standards.

### 3.0 **THE INFORMAL PROCESS EMPLOYEE PERFORMANCE MONITORING MECHANISMS**

3.1 Once the employee has satisfactorily completed their probationary period then their ongoing performance will be monitored and reviewed through the Council's Performance Monitoring mechanisms as detailed below.

3.2 The aim of the informal process is to identify areas of potential weakness as early as possible. During this stage Managers/Headteachers must discuss performance issues, set improvement targets and provide support and any necessary training to assist the employee to improve to an acceptable standard within a given timescale.

#### 3.3. **Performance & Development Reviews (P&DRs)**

All employees should receive a Performance and Development Review on an annual basis. During the review, a discussion will take place regarding the employee's targets and objectives for the forthcoming year along with a review of achievements against those set for the previous period. Managers should also discuss the Council's vision, values and behaviours with the employee to ensure they understand what is expected of them as an employee of the Council.

#### 3.4 **One to One Meetings/Supervision**

There are a number of ways in which Managers/Headteachers and employees communicate with each other regarding performance. In the main there are 3 different methods, each appropriate to different services across the Council, which are as follows:

- Performance can be monitored during one to one discussions between the Manager/Headteacher and employee, which should, where possible and practical be convened regularly and documented. These discussions should include an ongoing update regarding targets and objectives and the prioritisation of day to day workloads to ensure that objectives are met.
- In certain roles professional supervision is a mandatory requirement which must be undertaken in line with the stipulated procedure.
- In services where it is not practical or appropriate to conduct regular one to one meetings, there must be at least an arrangement where employees and their Manager/Headteacher are able to contact each other to arrange a meeting when either party has concerns regarding performance. These discussions, even if ad hoc must be documented.

#### 3.5 **Corporate Responsibilities**

The Council has a number of key areas of responsibility that affect all employees (excluding school support staff). Depending on the employee's role, some of these areas will have a greater significance than others, but many like health and safety, equality and diversity, information governance and anti-fraud apply equally to all employees regardless of role.

### 3.6 **What the Council Expects of You** **Future Council Vision, Values and Behaviours - Employee responsibilities**

The Council has developed the Future Council Vision, Values and Behaviours framework to provide clarity about plans, ambitions, standards and expectations. Employees (excluding school support staff) are expected to contribute to the achievement of the vision and act in accordance with the values and behaviour expectations.

See the Future Council intranet site for further details.

- 3.7 It is imperative that all discussions about performance concerns are documented otherwise the improving employee performance process cannot proceed further. If documentation is not available then the Manager/Headteacher should meet with the employee and revisit any outstanding performance issues, ensuring that the meeting is documented and clear standards of expectation regarding performance are agreed.
- 3.8 The Manager/Headteacher should consider whether there are any circumstances, either personal or work related which may have impacted negatively on the employee's performance.
- 3.9 If the informal process using the performance monitoring mechanisms (detailed above) does not bring about an improvement in the employee's performance to the required standard in a reasonable time, then the Manager/Headteacher should proceed to the formal stage of the Improving Employee Performance Process.

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## THE FORMAL PROCESS

### 4.0 **STAGE 1 ACTION PLAN**

- 4.1 Where performance is not satisfactory, in order to appropriately address this, Managers/Headteachers must ensure that clear indication, both verbally and in writing is given to the employee detailing the expected improvements and support mechanisms which will be put in place. The Manager/Headteacher should proceed as follows:
- 4.2 The Manager/Headteacher should arrange to meet with the employee and clearly define the areas of concern regarding performance and the targets and objectives which have not been achieved, allowing the employee opportunity to present their perspective of the performance issues. Discussions should also detail the expected standards, objectives to be met and any agreed actions including appropriate training, coaching etc. Managers must ensure that the targets and objectives set for the employee are within the confines of the role and are achievable in the timeframe.
- 4.3 Discussions must be documented on the [Improving Employee Performance Action Plan - Stage 1](#) along with details of the required actions from the meeting. This must be supplied to the employee by the Manager/Headteacher within 5 days of the meeting and should be signed by both parties.
- 4.4 This action plan will remain in place for three months, unless there are circumstances which dictate otherwise e.g. a training requirement cannot be fulfilled within this timescale, in which case an appropriate timescale should be agreed.
- 4.5 In cases where the performance issues are of such a severity that there is a severe risk to the Council then the timescale of the Action Plan may be shortened.

- 4.6 Where the employee works an alternative working pattern e.g. term time only then it may be necessary to agree a different timescale in order to allow the employee sufficient time for improvement.
- 4.7 During the period that the action plan remains in place the Manager/Headteacher should ensure that the employee continues to participate in the performance monitoring mechanisms outlined in section 3.
- 4.8 If employees require additional support during this process, please refer to our [Employee Assistance Programme](#) which provides confidential access to a complete support network, expert advice and compassionate guidance covering a wide range of issues.
- 4.9 **Reviewing the Improving Employee Performance Action Plan – Stage 1**
- 4.9.1 The Manager/Headteacher should arrange to meet with the employee to review the action plan on a fortnightly basis with a final meeting being arranged to coincide with the end of the action plan period.
- 4.9.2 On meeting with the employee, the Manager/Headteacher should discuss each item identified on the action plan and identify with the employee whether these have been met satisfactorily.
- 4.10 **Outcome of Improving Employee Performance Action Plan – Stage 1**
- 4.10.1 The outcome of the meeting at the end of the action plan should be one of the following:
- If all previous actions identified on the action plan have been implemented and the employee's performance has improved satisfactorily, the result being that objectives are now being met then no further action need be taken. The employee will continue with the normal cycle of performance monitoring mechanisms as defined in Section 3 above.
  - If there are actions identified on the plan which have not yet occurred, then these should be discussed and if justified on the Manager/Headteacher or employees part then the timescale should be extended for a further month to enable the completion of the original action plan. Review meetings should be held fortnightly. In exceptional circumstances where a one-month extension is not appropriate then this may be extended to a maximum of two months. Review the extension by following paragraph 4.8 onwards.
  - If all previous actions identified on the action plan have occurred but there is evidence that the employee's performance has not improved satisfactorily and objectives are still not being met then the Manager/Headteacher should inform the employee that it is their intention to progress to the formal review stage and arrange a Stage 1 Formal Performance Meeting (Section 5).
- 4.10.2 The details of the outcome, whatever this is, must be clearly documented on the action plan. A copy of the action plan should be given to the employee within 5 days of the meeting, signed by both Manager/Headteacher and employee and a copy retained by both.
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### 5.0 **STAGE 1 FORMAL PERFORMANCE MEETING**

5.1 The Manager/Headteacher should make the following arrangements for a meeting with the employee:

- Arrange for a more senior Manager to hear the case (in the case of schools if the Headteacher has already been involved then this should be the Chair of Governors)
- Arrange a date for the meeting
- Arrange suitable accommodation for the meeting
- Arrange for the meeting to be recorded
- Collate all supporting documentation referred to in Section 3 & 4 above in readiness to present this at the stage 1 meeting
- Write to the employee giving 10 days' notice of the meeting – refer to [\(Example Letter 1\)](#).

5.2 A recommended protocol for use at the [Formal Performance Meeting](#) is at Appendix C.

5.3 Taking account of all the information presented by the Manager/Headteacher and employee and/or their representative the chair will decide on the appropriate course of action, which will normally be one of the following:

- If the employee's performance is deemed satisfactory then the employee will re-enter the normal cycle of performance monitoring as defined in Section 3 above.
- If the employee's performance is deemed unsatisfactory then details of the expected standards, objectives to be met and any further opportunities for training, coaching and support which will assist the employee in improving their performance will be discussed. The chair must ensure that the targets and objectives set for the employee are within the confines of the role and are justifiable and achievable. The chair will also inform the employee that they are issuing them with a final written warning which will remain in place for the duration of the Improving Employee Performance Action Plan – Stage 2 (see section 6 below).

### 5.4 **Outcome of Stage 1 Formal Performance meeting**

5.5.1 The outcome of the meeting should be confirmed in writing using [Example Letter 2](#).

5.5.2 If performance is unsatisfactory then the letter will confirm the final written warning and the agreed actions from the meeting will clearly be documented on the [Improving Employee Performance Action Plan – Stage 2](#). The Action Plan should be issued to the employee by the chair within 5 days of the meeting. It should be signed by all parties and a copy retained by the employee, the Manager/Headteacher and the chair.

5.5.3 Where the employee has been issued with a final written warning, they must be given the right of appeal. The appeals process is detailed in Section 8.

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### 6.0 **STAGE 2 ACTION PLAN**

- 6.1 The Stage 2 action plan/final written warning should remain in place for 3 months to allow further opportunity for improvement, unless there are circumstances which dictate otherwise e.g. a training requirement cannot be fulfilled within this timescale, in which case an appropriate timescale should be agreed.
- 6.2 In cases where the performance issues are of such a severity that there is a severe risk to the Council then the timescale of the Improving Employee Performance Action Plan - Stage 2 / Final Written Warning may be shortened.
- 6.3 Where the employee works an alternative working pattern e.g. term time only then it may be necessary to agree a different timescale in order to allow the employee sufficient time for improvement.
- 6.4 During the period that the Stage 2 action plan / final written warning remains in place the Manager/Headteacher should ensure that the employee continues to participate in the performance monitoring mechanisms outlined in section 3 and should meet with the employee to review their progress on a fortnightly basis.
- 6.5 If employees require additional support during this process, please refer to our [Employee Assistance Programme](#) which provides confidential access to a complete support network, expert advice and compassionate guidance covering a wide range of issues.
- 6.6 The Manager/Headteacher should arrange to meet with the employee to review the action plan on a fortnightly basis with a final meeting being arranged prior to the end of the action plan period.
- 6.7 On meeting with the employee, the Manager/Headteacher should discuss each item identified on the action plan and identify with the employee whether these have been met satisfactorily.
- 6.8 The outcome of the action plan should be one of the following:
- If all previous actions identified on the action plan have been implemented and the employee's performance has improved satisfactorily, the result being that objectives are now being met then no further action need be taken. The employee will continue with the normal cycle of performance monitoring mechanisms as defined in Section 3 above.
  - If there are actions identified on the plan which have not yet occurred, then these should be discussed and if justified on the Manager/Headteacher or employees part then the timescale should be extended for a further month to enable the completion of the original action plan. Review meeting should be held fortnightly. In exceptional circumstances where a one-month extension is not appropriate then this may be extended to a maximum of two months. Review the extension by following paragraph 6.5 onwards.
  - If all previous actions identified on the action plan have occurred but there is evidence that the employee's performance has not improved satisfactorily and objectives are still not being met then the Manager/Headteacher should inform the employee that it is their intention to progress to a formal review and arrange a Stage 2 Formal Performance Meeting (Section 7).

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## 7.0 **THE FORMAL PERFORMANCE MEETING (STAGE 2)**



- 7.1 A final review meeting should be arranged to coincide with the end of the Stage 2 action plan / final written warning period. The Manager/Headteacher should make arrangements for a Stage 2 formal performance meeting where performance has not improved in order for a further independent panel to assess the performance issues, action taken to date, training, support etc.
- 7.2 In normal circumstances the panel conducting the formal performance meeting should consist of:
- Non schools** – A Service Director or Executive Director or equivalent, advised by a Human Resources Advisor.
- Schools** – An appropriate panel of Governors who have been delegated the function in accordance with the School Staffing Regulations 2009.
- The panel must consist of individuals who have had no prior involvement in the case.
- 7.3 The Manager/Headteacher should make the following arrangements for this meeting:
- Identify the panel members and confirm their attendance (see 7.2)
  - Arrange a date for the meeting
  - Arrange suitable accommodation for the meeting
  - Arrange for the meeting to be recorded
  - Collate all supporting documentation referred to above from Section 3 onwards
  - Prepare the management case
  - Write to the employee informing them about the meeting, giving ten working days' notice of the meeting – refer to [\(Example Letter 3\)](#)
- 7.4 The Manager/Headteacher must prepare a statement of case detailing all the discussions and actions taken under the processes outlined above from Sections 3 onwards and all support, training etc. which has been provided to the employee in an attempt to improve their performance. This will be verbally presented to the panel at the formal performance meeting.
- 7.5 The meeting should proceed as detailed in the [Procedure at a Formal Performance Meeting](#)
- 7.6 After both the Manager/Headteacher and employee (or their representative) have given all the evidence in support of their cases, all questions have been asked and summaries given the panel will deliberate on all information presented and the conclusion is likely to be one of the following:
- If it is determined that the employee's performance has improved satisfactorily in order that objectives are being met, then there will be no further action. The employee will continue with the normal cycle of performance monitoring as defined in Section 3 above.
  - If it is determined that there is an avenue of support or training which has not yet been explored, then the panel should instruct the Manager/Headteacher to implement the recommended actions and set a date for a further review in one month's time. In exceptional circumstances where a one-month extension is not appropriate then this may be extended appropriately, usually to a maximum of two months. Following the extension period, the stage 2 meeting should be reconvened following the format as 7.5.

- If it is determined that all possible support, training and management intervention has been implemented during both the informal and formal processes defined in Sections 3 - 6 above and the employee's performance has not improved to a satisfactory level which would enable them to meet their objectives then the panel should dismiss the employee with immediate effect giving the appropriate pay in lieu of notice.

7.7 Regardless of the outcome of the formal review the details must be clearly documented on the review section of the Improving Employee Performance Action Plan – Stage 2. This should be issued to the employee within 5 days of the review meeting and should be signed and a copy retained by all parties.

### 7.8 **Actions Following the Formal Performance Meeting Stage 2**

7.81 Following the Formal Performance Meeting Stage 2 the Chair of the panel must write to the employee to confirm the discussions and outcome of the meeting. ([Example Letter 4](#))

7.82 Where the employee is dismissed, they must be given the right to appeal. The appeals process is detailed in Section 8.

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## 8.0 **THE APPEALS PROCESS**

8.1 Where an employee has been subject to a Formal Performance Meeting, they have the right of appeal against the outcome. In order to appeal the employee must inform the chair in writing of their wish to appeal within 14 days of receipt of the letter of the confirmation of the outcome of the formal performance meeting.

8.2 The Manager should make the following arrangements for the Appeal Meeting:

- Identify the Appeals Panel (See 8.3)
- Arrange a date for the meeting – ensuring that the chair of the previous performance meeting is available to present the case along with any witnesses
- Arrange suitable accommodation
- Arrange for the meeting to be recorded
- Liaise with the Chair of the previous performance meeting to collate the supporting documentation and to prepare managements case

8.3 The appeals panel should consist of:

**Non Schools** – If the appeal is not against dismissal then the panel should be chaired by an appropriate Director/Service Director who has had no prior involvement with the case.

If the employee was dismissed at the Stage 2 Performance Meeting: all employees shall have the right of appeal against a dismissal, which shall be exercisable in accordance with the criteria set out in the policy. All such appeals shall be heard by a panel of Officers consisting of the Executive Director Core Services; Service Director – Business Improvement, Human Resources & Communications, together with an Executive Director who has had no prior involvement with the appeal being considered. If this is not possible, another Officer(s) from the Barnsley Leadership Team will be appointed to the panel.

**Schools** – The panel for an appeal hearing shall be convened under the provisions outlined in 7.2 but must consist of individuals who have had no prior involvement in the case. Therefore, those who have sat on the panel at the formal performance meeting cannot then sit on the appeals panel.

- 8.4 The appeal will be conducted as a review of the first instance decision, having regard to the matters set out in the grounds for appeal and any new evidence (if applicable) that has become available following the outcome of the original meeting. Both parties should address the panel summarising the key aspects of their case.
- 8.5 The panel will have received and considered the statement of case and all witness statements from both parties submitted prior to the meeting. Witnesses will not normally be required to present evidence but should be available to be questioned should this be required
- 8.6 The appeal shall normally be conducted in one day except in exceptional circumstances.
- 8.7 The Manager should write to the employee confirming arrangements for the Appeal Meeting, giving 10 working days' notice, of the requirement to attend the Appeal Meeting. ([Example Letter 5](#)).
- 8.8 The process outlined in the [Procedure at the Appeal Meeting](#) should be followed.
- 8.9 The Appeal Panel has authority to confirm, reduce, increase or revoke the original outcome. The decision of the Appeals Panel is final.
- 8.10 Where possible, the decision will normally be given verbally to the employee at the conclusion of the meeting and confirmed in writing. Notification of the decision should be confirmed in writing to the employee within 5 working days ([Example Letter 6](#)).
- However, it may be necessary to communicate the outcome in writing. All parties should be advised of any changes to the method of communication and extension to timescales at the closure of the meeting.
- 8.11 The manager must make arrangements for all scanned documentation relating to this procedure to be placed on the employee's electronic record. Guidance is available in the [Employee Record Policy](#) which also includes advice on the retention policy.

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### 9.0 **POLICY IMPLEMENTATION MONITORING FORM**

- 9.1 At all stages of this procedure Managers must complete and submit a [Policy Implementation Monitoring Form](#) in order that this information can be recorded on SAP.

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### 10.0 **EQUALITY AND DIVERSITY**

- 10.1 This policy has been impact assessed by Human Resources, if on reading this policy you feel there are any equality and diversity issues, please contact your Directorate Human Resources Business Partner who will if necessary, ensure the policy is reviewed.

### 11.0 **INCOME TAX AND NATIONAL INSURANCE CONTRIBUTIONS**

11.1 There are no tax or national insurance implications arising from this Policy.

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