



# **East Herts Council**

## **Managing Performance Policy**

### **Policy Statement**

#### **Policy Statement No 2 (Issue No 3) January 2017**

**Policy owner:** Human Resources  
**Date of last review:** June 2009  
**Date of next review:** January 2020

**Contents**

1.0	Introduction	3
2.0	When to use this policy	3
3.0	Responsibilities	4
4.0	Informal stage	5
5.0	Formal stage	6
6.0	Performance capability hearing	8
7.0	Setting review periods	8
8.0	Warnings	9
9.0	Other considerations	10
10.0	Support for managers	10
11.0	Appeal	10
12.0	Policy review	11
	Appendix A - Performance Improvement Plan	12

**MANAGING PERFORMANCE POLICY**  
**Policy Statement No 2 (Issue No 3) January 2017**

**1.0 Introduction** 

- 1.1 The objectives of this policy are to:
- Improve and maintain the standard of work performance of an employee
  - Ensure that all employees are treated in a fair, consistent, supportive and understanding manner in relation to performance issues
  - Support managers to ensure high standards of work performance by all employees
  - Support employees in demonstrating the council's values and behaviours.
  - Contribute towards the improvement of the performance and effectiveness of the council.
- 1.2 This policy supports effective day-to-day management of performance issues. Managers should identify and resolve issues at the earliest possible stage through 121s and PDRs. It is expected that the majority of performance related issues will be resolved informally.
- 1.3 This policy applies to all employees except those at Chief Officer level and above (where procedures set out in the Constitution are used) and employees who are still in their probationary period (see Probation Policy).

**2.0 When to Use This Policy**

- 2.1 Any performance issues should first be dealt with informally through normal day-to-day performance management. However, where this has not produced a satisfactory and sustainable improvement, and the employee's performance still fails to meet the required standards or behaviours, there are three possible routes a manager can take (these are not mutually exclusive):

**Capability**

- 2.2 If an employee cannot achieve a satisfactory level of performance, this should be dealt with under this policy.

**Conduct**

- 2.3 If an employee has failed to achieve a satisfactory level of performance through carelessness, negligence or refusing to carry out the duties of their post, this should be dealt with under the Disciplinary policy.

**Ill-Health**

- 2.4 If an employee cannot achieve a satisfactory level of performance due to ill-health and/or absence from work, this should be dealt with under the Absence Management policy. Employees who have a disability covered by the Equality Act 2010 should be given reasonable adjustments; however they are responsible for meeting the same performance standards as any other employee.

**3.0 Responsibilities**

- 3.1 Managing performance is the responsibility of both managers and employees.

All employees have a responsibility to:

- Take full accountability for their own performance and behaviour
- Make sure they understand what is expected of them
- Perform to a satisfactory level in line with council objectives, values and behaviours
- Commit to improve where concerns over performance have been raised
- Work with managers to address any underlying issues which may be affecting performance
- Take ownership of their personal learning and development needs and meeting the council's values and behaviours

Managers are expected to:

- Have completed the managing performance training events arranged by HR and any refresher training as appropriate or recommended.
- Seek advice and guidance from HR on the interpretation and implementation of this policy and adhere to advice given
- Try to rectify any performance issues as early as possible with the aim of resolving them at an informal level

## **ESSENTIAL REFERENCE PAPER 'B'**

- Ensure that employees are aware of the performance standards, values and behaviours expected and support employees in achieving them
- Monitor the performance of staff and ensure that 121 and PDR meetings are carried out in order to identify any issues
- Set realistic and measurable standards of performance for the job and share these with the employee
- Ensure that employees are made aware of the consequences of failing to meet the required performance standards
- Ensure that any employees rated as Immediate Improvement required under the PDR process, their performance is being formally managed under this policy.

### **4.0 Informal Stage**

#### **Dealing with poor performance**

- 4.1 If a manager has concerns about an employee's performance, they should keep detailed notes of each supervision session or 121 meeting and follow up each session with a list of agreed actions. Any concerns should also be raised and recorded as part of the PDR process. The informal stage also gives the manager an opportunity to investigate the root causes of poor performance and to address any issues as soon as they arise. Causes could include, for example, lack of skills, inadequate training or lack of resources.
- 4.2 The manager should:
- Give the employee factual examples of their unsatisfactory performance
  - Ask the employee for an explanation
  - Where the reason is a lack of the required skills, check to see whether the employee has received training, and if not, the employee should be given training and reasonable time to improve
  - Provide any coaching or additional support needed to help the employee to achieve their objectives
  - Make the employee aware that if their performance does not improve, it could result in formal action
  - Set targets (please see PDR and Values and Behaviours Guidelines)
  - Agree a timescale with the employee to improve their performance and set a review date
  - Ensure the issues are raised and recorded as part of the PDR process and an appropriate rating should be given accordingly.

4.3 Employees must be informed that in the event of insufficient improvement the formal procedure will be commenced.

**5.0 Formal Stage**

**First performance review meeting**

5.1 If the employee's performance has not improved, despite being addressed through the informal stage, the manager will first seek advice from HR as to whether further action is warranted. If so, the manager will invite the employee to attend a first performance review meeting. This will be confirmed in writing giving 5 working days' notice and informing the employee of their right to be accompanied by a colleague or trade union representative.

5.2 The manager should be accompanied at the first performance review meeting by an HR Officer. It is their role to advise on procedure, ensure consistency and equity of treatment and ensure that the letter setting out the decision of the meeting is sent to the employee. The HR Officer may also take notes at the meeting unless the manager decides that an additional note-taker should be present.

5.3 At the meeting, the manager and employee should discuss the performance shortfall, identify any contributory factors, the required improvement and any support required. The manager should issue a **First Written Warning** at this meeting. A letter should be sent to the employee within 5 working days confirming the outcome of the meeting. At the end of the meeting or shortly afterwards, a performance improvement plan (PIP) should be completed (see Appendix A). This should be signed by the employee, and a first review period should be set (please see section 7 regarding setting review periods). This should include all areas for improvement to allow the employees to focus on all areas of poor performance or behaviour.

5.4 During the review period the manager must continually monitor the employee's performance and hold regular progress meetings with the employee. Any appropriate mechanisms to improve performance should be put in place as necessary.

5.5 If at the end of the review period the employee has reached a sustained acceptable level of improvement, monitoring should revert back to informal arrangements. This will be confirmed to the

## ESSENTIAL REFERENCE PAPER 'B'

employee in writing. Where the required standard has not been met, a second performance review meeting will be arranged.

### **Second performance review meeting**

- 5.6 At the end of the first review period, if the targets or standards set out in the PIP are not met or sustained, a second performance review meeting will be arranged with the employee, their manager, head of service and with HR support. This will be confirmed in writing giving 5 working days' notice and informing the employee of their right to be accompanied by a colleague or trade union representative.
- 5.7 The head of service at the meeting will hear the case, supported by HR. The manager will also attend the meeting to present the management case detailing the performance issues, the required improvement and what training and support has been provided.
- 5.8 At this meeting, the PIP should be reviewed, discussing where the performance shortfalls remain, what improvements are required and by when. The head of service should issue a **Final Written Warning** at this meeting. A letter confirming the outcome of the meeting and the details of the warning should be sent to the employee within 5 working days of the meeting. The PIP should be updated and signed by the employee, and a second review period set.
- 5.9 During the review period the manager must continually monitor the employee's performance and hold regular progress meetings with the employee. Any appropriate mechanisms to improve performance should be put in place as necessary.
- 5.10 If at the end of the review period the employee has reached a sustained acceptable level of improvement, the manager should meet with the employee and confirm this in writing.
- 5.11 If, following the second review period, the targets or standards set out in the PIP are still not met or sustained, the head of service should meet with the employee to advise them that they will be invited to attend a performance capability hearing.
- 5.12 Redeployment may be considered if both parties are willing to pursue this option at this stage. HR will support this process.

**6.0 Performance capability hearing**

- 6.1 Where the PIP set out in the second review period is still not met or sustained, the employee will be asked to attend a capability review hearing.
- 6.2 The capability review hearing should be convened by a director. If the employee is a head of service, a director who has not been previously involved will conduct the hearing. The employee must be given 10 working days' notice in writing of the date of the hearing and should be advised that they have the right to be accompanied by a work colleague or a trade union representative. The employee will also receive a copy of the management case with this letter.
- 6.3 The director at the meeting will hear the case, supported by HR. The manager should also attend the meeting to present the management case detailing the performance issues, the required improvement and what training and support has been provided.
- 6.4 The performance capability hearing will involve a reassessment of how the employee's performance has been supported by the service and whether there are any further actions that the council can take to assist the employee in continuing their employment or whether employment should be terminated due to the employee's inability to undertake their duties effectively.
- 6.5 The capability review hearing may result in one of the following outcomes:
- Further support with a date set for review
  - Dismissal on the grounds of capability with redeployment rights where appropriate (and no salary/grade protection). The Head of HR and OD must be consulted on any decision to dismiss.
  - Removal of warnings - e.g. where the employee has been treated unfairly or the performance standards were excessively high.
- 6.6 The employee will be informed of the decision in writing within 3 working days of the capability review hearing. If the outcome is dismissal, the employee must be informed of their right of appeal.

**7.0 Setting review periods**



## **ESSENTIAL REFERENCE PAPER 'B'**

- 7.1 The aim of the performance review period is to allow an employee a set period of time to address the performance issues identified at the performance review meeting and to reach the targets or objectives outlined in the PIP.
- 7.2 The length of the review period will vary from case to case and will be based on:
- the nature and complexity of the work; and
  - training requirements or other measures agreed
- 7.3 As a guide, a period of between one and three months would be the expected norm for each separate review period. The review period should allow the employee a reasonable period of time to both improve and reach the standard and then maintain the standard. Managers also need to bear in mind the type of job. Jobs in which errors can be easily identified would warrant a shorter period of time than jobs where complex decisions or judgments are required.
- 7.5 In exceptional circumstances a shorter review period may be appropriate i.e. where an employee's performance has been persistently below the required standard and all reasonable supports have been given to the employee with no demonstrable improvement as a result.
- 7.6 Managers should consult Human Resources where they are unsure about the appropriate length of the review period.

### **8.0 Warnings**

- 8.1 Where a warning has been issued it should be placed on the employee's personal file as follows:
- First written warning – 6 months  
Final written warning – 12 months
- 8.2 Where a final written warning is issued, if the employee is in receipt of the local award payment, this will be suspended. Human Resources should be consulted.
- 8.3 If the employee's performance deteriorates less than a year after a warning is issued, the manager can re-start the procedure at the next level (e.g. if a first performance review meeting has already

been held and a First Written Warning issued, the manager can start at the second performance review meeting).

**9.0 Other considerations**

**Serious incapability**

9.1 Under normal circumstances, a performance capability hearing should not be conducted without first issuing the employee with warnings and giving them an opportunity to improve their performance with appropriate support. However, in exceptional cases, where one performance error has serious consequences (e.g. if it results in the health and safety of service users or other employees being put in jeopardy), this policy will not apply. Instead the process for gross misconduct, as outlined in the Disciplinary policy, should be used. Where serious incapability is suspected, Human Resources must be contacted for advice before proceeding.

**Overlap with other procedures**

9.2 If conduct, disciplinary, absence and/or performance problems overlap, the manager must deal with all issues. In some cases where there is overlap between procedures, one meeting can be held to cover two processes, e.g. a performance review meeting can incorporate an ill-health review meeting, and sanctions can be issued under both policies. Any further action to address the issues (if there is no overlap) should be dealt with separately under the appropriate policy and procedure. Grievance issues may also be dealt with at the same time as performance issues, but a separate meeting should be used for this (see Grievance Procedure). Further advice is available from Human Resources.

9.3 If an employee has a medical problem which is covered by the Equality Act 2010, it may be necessary to make reasonable adjustments to their job. See the Absence Management policy for more information.

**10.0 Support for managers**

10.1 Managing performance issues can be a difficult and time consuming process for managers. Managers should speak to their manager and HR Officer for support and guidance.

**11.0 Appeal**

11.1 All employees have the right to appeal against any formal action of this procedure in accordance with the Council's Appeals Policy.

**12.0 Policy review**

12.1 This policy shall be reviewed after three years or sooner in line with legislation and best practice to reflect the best possible level of support and management.

**Appendix A**

**Performance Improvement Plan**

*To be completed and signed by the manager and employee as part of the Managing Performance Policy*

Name: ..... Directorate : ..... Service ..... Review Period (1<sup>st</sup>/2<sup>nd</sup>/3<sup>rd</sup>)..... Date.....

Performance standard/values and behaviours not being met	Objectives/targets required to meet the standard	Support and training to be given to assist reaching the standard	Evidence required to demonstrate the standard is met	Target/deadline for standard to be met and reviewed

*I agree to the content of this document, the actions that are required of me and the objectives as set out in the PDR objectives form (please note the actions required by the manager will be to ensure the appropriate support is given to the employee)*

Signed (Manager) ..... Signed (Employee) .....