

Stevenage Borough Council Performance Improvement Policy

**Date: 3rd November 2017
SBC Format V1**

Version No: 1

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Approved by SLT on: 24 October 2017

1. Purpose

- 1.1** The purpose of the Performance Improvement Policy is to encourage all our employees to personally deliver the highest standards of service possible and for managers to proactively address performance issues.
- 1.2** It is intended to be an aid to good management and a tool for improvement. It should not be perceived primarily as a means of imposing sanctions.
- 1.3** The Performance Improvement Policy provides a mechanism for performance issues to be dealt with promptly, fairly and consistently.
- 1.4** This policy aims to ensure that the Council, its employees, clients, the public and recipients of Council services are protected from the consequences of poor performance.

2. Operation of this policy

- 2.1** This policy will be operated in line with Stevenage Borough Council's values, which are:
 - Excellent
 - Innovative
 - Caring
 - One Team
 - Responsive
 - Straightforward

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3. Scope

3.1 This policy applies to all Stevenage Borough Council employees employed on NJC, Red and Green book terms and conditions. It does not apply to staff employed on JNC terms and conditions. Separate provisions for those employed on JNC terms and conditions as set out in Part 4 of the JNC Conditions of Service

3.2 This policy is non-contractual.

3.3 This policy and associated procedures apply to all employees except the following:

- Employees in their probationary period

3.4 This policy should be applied to employees who are underperforming due to a lack of skills, knowledge or ability.

3.5 Where a manager believes underperformance is due to misconduct, e.g. carelessness, negligence or lack of effort the Disciplinary Procedure must be applied.

4. General Principles

4.1 We are committed to delivering quality services; to achieve this we must enable all our employees to perform to the required standard.

4.2 We will therefore support:

- All employees to personally deliver the highest standards of service possible
- Managers to proactively address performance issues

4.3 Our appraisal scheme and one to one meeting arrangements provide a framework for achieving the best performance on a day to day basis. This policy provides a framework when employees are not performing, with the emphasis on employees achieving an improvement to the required standards, within agreed and achievable timescales.

4.4 The policy aims to:

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- Ensure employees are fully aware of the standard of performance that is expected and how their performance needs to improve (performance gap).
- Support employees to achieve the required standard for their role and to maintain this standard of performance.
- Support managers to effectively manage all underperformance issues promptly
- Ensure consistency and fairness of approach

4.5 If an employee has concerns about the way their performance is being managed, then they should raise their concerns promptly. This will not however normally stop the performance management process from progressing as set out in this policy.

5. Managers Performance Improvement Toolkit

5.1 The Managers Performance Improvement Toolkit contains additional guidance, forms and signposts to other associated policies.

6. Responsibilities

6.1 Effective performance management requires everyone to understand and carry out their responsibilities.

Managers must:	Employees must:
Induct all new employees.	Consistently perform to the required standard for their role.
Give regular performance feedback through day to day management.	Seek clarification from their manager if they are unsure what standard of performance is expected.
Hold regular 1:1s with all employees.	Let their manager know if there are any

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Managers must:	Employees must:
Use these discussions to define what performance is expected, outline any improvements required and to give constructive feedback.	factors impacting on performance (e.g. lack of equipment or information). Actively participate in 1:1s and reflect and act on feedback given.
Undertake annual appraisals	Participate fully in the appraisal process and work towards meeting the objectives set.
Proactively address any performance issues as they arise following the steps outlined in this procedure.	Actively discuss the concerns raised, seeking clarity and an understanding of what needs to change/improve.
Maintain records of any action taken under this procedure.	
Maintain confidentiality.	

6.2 Managers are responsible for seeking timely advice and support on performance concerns from the HR Business Partner Team. The HR Business Partner Team are responsible for providing advice to managers and for escalating any procedural concerns to the relevant Assistant Director/Director to ensure the policy aims are met.

7. Improving Performance (as part of normal day-to-day management)

7.1 In most cases the day-to-day management of an employee and/or regular 1:1s will successfully address any minor underperformance concerns at an early stage.

7.2 Where performance concerns have not been resolved a Performance Improvement Plan (PIP) will be set.

7.3 At a 1:1 meeting, the manager will advise the employee that their performance continues to cause concern, will explore with the employee the reasons for the underperformance concerns and help identify whether any specific support may be required.

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7.4 The manager will positively and constructively discuss with the employee their level of performance and its impact, and identify what improvements are required.

7.5 During the 1:1, the following 4 areas will be discussed:

Identify <i>Identify the concern</i>	• The performance gap (the difference between the employees current performance and the standard required, reviewing specific examples to illustrate this) • Reasons/cause for underperformance
Improve <i>Plan for improvement</i>	• Clarify what improvements are needed (SMART objectives) • Agree what actions are needed and reasonable support and/or training is required to enable the employee to reach the required standard • Put in place a Performance Improvement Plan (PIP) • Confirm that the formal procedure will be applied if performance does not improve to the required standard during the review period.
Attain <i>Define the standard to attain</i>	• Define what the standards are that the employee needs to reach • Define the timescales of the review period (minimum 4 weeks) and set the review date • Set a provisional date of the first formal meeting
Maintain	• Clarify that the required standard needs to be maintained on a long term basis

7.6 The manager will include a summary of the main discussion points on the 1:1 record and include a copy of the PIP.

7.7 The employee will be advised that their performance will be monitored for an identified and appropriate period which will be at least 4 weeks. Throughout the review period the manager will monitor the employee's performance against the PIP process and have regular 1:1s (normally weekly) to discuss progress and give both positive and constructive feedback.

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7.8 The employee should be left in no doubt whether or not their performance is improving and whether they are on target to meet the required standard. The manager will keep notes of any meetings/discussions that take place in addition to 1:1s and ensure the employee has a copy. Further details are given in the Managers' Toolkit.

7.9 The employee does not have the right to representation at this stage.

8. Outcome of the Performance Improvement Plan

8.1 Towards the end of the review period the manager will decide whether overall performance has improved to the required standard. In exceptional circumstances the manager may consider a further review period (the timescale will be determined by the manager but is unlikely to exceed 12 weeks).

Overall performance improved to required standards	Overall performance not improved to required standard
No further action will be taken, providing the employee maintains the required standard during the next 12 months. If an employee's performance deteriorates during the following 12 months this will be managed as part of the formal procedure. The manager will write to the employee to confirm this.	The manager should inform the employee in writing that they will now manage the underperformance concerns as part of the formal procedure.

9. Formal Procedure (Outline)

9.1 We expect that with a structured improvement framework in place and appropriate support from the line manager, that most performance concerns will be resolved.

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9.2 However, where performance concerns have still not been resolved, we will continue to work with employees to address our concerns via our formal procedure.

9.3 The formal procedure consists of:

- First Formal Meeting (and a subsequent review period), and then if required
- Second Formal Meeting (where a decision whether to demote/transfer into a suitable alternative role or to dismiss an employee may be made).

9.4 Managers should contact their HR Business Partner before moving to the formal procedure.

10. Responsibility Levels for Managers

10.1 These are the **minimum** responsibility levels, and depending on each individual circumstance decisions may be taken at a more senior level as deemed appropriate.

Authority Level	Management Level	Decisions
1	Line Managers	Performance management decisions up to and including first formal
2	Assistant Director and above	All performance management decisions including second formal (possible dismissal)

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10.2 First Formal Meeting;

- The first formal meeting will normally be conducted by the line manager who is managing the employee's underperformance, but it may be conducted by another manager (Level 1) within the same service.
- Where the meeting is conducted by another manager, the employee's line manager will normally attend the meeting to present the case.

10.3 Second Formal Meeting;

- The second formal meeting must be conducted by a Level 2 manager who has the authority to dismiss.
- This could be the same manager who conducted the first formal meeting if they are a Level 2 manager; or it may be conducted by another Level 2 manager.
- Where the meeting is conducted by another manager, the employee's line manager will normally present the case.

11. First Formal Meeting Invitation

11.1 Invitation to meeting:

The manager conducting the first formal meeting will send a written invitation (by post/email) to the employee, which will:

- Outline the reason for the meeting
- Give at least 7 calendar days' notice. Meetings should be planned to ensure that timings and locations are reasonable to both parties
- Advise the employee that they may be accompanied by a work colleague or trade union representative. A HR Business Partner will also be present to advise the manager conducting the meeting on process
- Provide copies of any papers that will be referred to. e.g. PIP, records of training undertaken and support given

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- Inform the employee that they need to provide the name of their work colleague/trade union representative and copies of any additional documentation they wish to have considered at least 3 calendar days before the meeting

11.2 Note: *If the employee is unable to secure a representative or work colleague to accompany them, or there are other circumstances beyond the employee's control which would prevent them from attending the meeting, an alternative date will be arranged. The alternative date will normally be within 7 calendar days of the original meeting date. If the employee or their work colleague/trade union representative is unable to attend on the revised date, advice must be sought from your HR Business Partner before any decision is taken to hold the re-scheduled meeting in the absence of those unable to attend.*

12. First Formal Meeting Outline

12.1 The manager conducting the meeting will:

- Set out the standard of overall performance expected of the employee
- Explain how the employee's performance has been assessed as falling below these standards (performance gap) and the impact of this on service delivery/colleagues
- Confirm whether underperformance is due to a specific reason(s)
- Review progress during normal day to day management monitoring, including any measures taken to support the employee so far
- Give the employee and/or their representative the opportunity to explain any mitigating circumstances
- Discuss the way forward and agree a Formal Performance Improvement Plan (Formal PIP) that clearly identifies:

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- The improvements necessary to achieve the expected standards
- SMART objectives set and agreed to achieve the improvement desired
- That improvements are required early on in the monitoring period
- The timescale for improvement to the required standard (i.e. employee fully effective in role – normally this will be between 6 and 8 weeks)
- How performance will be measured/monitored/reviewed
- Additional support/training to be provided (this must be reasonable and proportionate)

12.2 *Note: In exceptional circumstances and at our discretion, slightly longer timescales may be given to improve to the required standard where the role is complex and or the role requires a longer timeframe to enable an objective assessment.*

12.3 Following the first formal meeting, the manager will write to the employee within 7 calendar days to confirm:

- The Formal PIP
- Timescale for improvement and the provisional date of the second formal meeting
- If the employee is unable to achieve the improvements in the review period, that dismissal may be an outcome.

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13. Formal Review Period (normally 6 - 8 weeks)

13.1 The line manager will ensure that the employee's overall performance is closely monitored. Regular meetings (normally weekly) will be held between the employee and his/her manager to ensure:

- Effective performance monitoring
- Appropriate support and feedback is given (the employee should be left in no doubt whether their performance is improving sufficiently)
- If further underperformance concerns are identified, the reasons are discussed

13.2 Notes of the discussions held during the formal review period will be kept by the manager and shared with the employee and these may be referred to at the second formal meeting.

13.3 *Note: In circumstances where the Formal PIP sets out a longer improvement period than the normal maximum of 8 weeks, if an employee does not make significant and sustained progress towards the required standards, the extended improvement period may be reduced.*

13.4. Outcome of Formal Review Period

13.5 Towards the end of the formal review period the line manager will contact the relevant HR Business Partner for advice, review progress against the Formal PIP and decide whether overall performance has improved to acceptable standards.

13.6 In exceptional circumstances, the manager may consider a further review period (up to a maximum of 4 weeks) for those employees whose original Formal PIP period was for 8 weeks or less, before concluding the formal review period. In these circumstances a revised provisional date for the second formal meeting will be set.

Overall performance improved to required standards	Overall performance not improved to acceptable standards
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The manager will confirm that the employee has met the required standard as set out in the Formal PIP and that no further action will now be necessary (i.e. no second formal meeting will now need to take place), provided the employee sustains the required level of overall performance during the next 12 months. A post PIP review period will take place after exiting any formal stage of the PIP for 6 months to make sure performance continues. If an employee's performance deteriorates during the 12 months following the end of the formal review period, the employee will be invited to a second formal meeting and PIP will be continued where it was left (dismissal may be the outcome). Underperformance beyond this 12 months period will normally be addressed via 1:1s. The manager will write to the employee to confirm this.	The manager should inform the employee that they will now be formally invited to a second formal meeting (where dismissal may be an outcome). <i>(Note: A provisional date for this meeting was set at the beginning of the monitoring period).</i>
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14. Second Formal Meeting (potential dismissal)

14.1 Invitation to Meeting

The manager conducting the meeting will send a written invitation (by post/email) to the employee, which will:

- Outline the reason for the meeting
- Give at least 7 calendar days' notice. Meetings should be planned to ensure that timings and locations are reasonable to both parties but will not be unreasonably delayed by parties unable to make themselves available *(Note: a provisional date will have been set at the beginning of the formal review period but there may be reasons why this has to change)*

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- Advise the employee that they may be accompanied by a work colleague or trade union representative and that their manager and a HR Business Partner will also be present
- Provide copies of any papers that will be referred to e.g. PIPs, records of training undertaken and support given
- Advise that a possible outcome of the meeting may be dismissal on grounds of underperformance (capability)
- Set out the requirement for the employee to provide the name of their work colleague/trade union representative and copies of any additional documentation they wish to have considered at least 3 calendar days before the meeting

14.2 *Note: If the employee is unable to secure a representative or work colleague to accompany them, or other circumstances beyond the employee's control which would prevent them from attending the meeting, an alternative date will be arranged. The alternative date will normally be within 7 calendar days of the original meeting date. If the employee or their work colleague/trade union representative is unable to attend on the revised date, advice must be sought from HR before any decision is taken to hold the re-scheduled meeting in the absence of those unable to attend.*

14.3. Second Formal Meeting

The manager conducting the meeting will:

- Consider the evidence regarding the case to date (if the manager conducting the hearing is not the employee's line manager, the line manager will present the case)
- Review the actions taken to date i.e. 1:1s and the first formal meeting and review period, including any measures taken to support the employee

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- Give the employee and/or their representative the opportunity to explain any mitigating circumstances

14.4 Outcome of Second Formal Meeting

The manager conducting the meeting will adjourn the meeting to consider all of the evidence presented. Having made a decision, they will continue with the meeting to deliver their decision.

14.5 Note: *In exceptional circumstances the manager may consider a further review period (up to a maximum of 4 weeks) e.g. where additional information or further action is considered necessary before making a decision. The outcome of the meeting will be delayed and a reconvened meeting should take place within 4 weeks of the original meeting date.*

Overall performance improved to required standards	Overall performance not improved to acceptable standards
No further action will be taken under this procedure, providing the employee sustains the required standard during the next 12 months. The decision to take no further action at this stage will be confirmed by the Manager in writing, within 7 calendar days of the meeting. If there are further underperformance concerns during this 12 month period a further second formal meeting will be held and dismissal may be an outcome.	The employee will normally be dismissed. An alternative to dismissal could be a demotion or transfer to a suitable alternative role. If the alternative role is later considered unsuitable during the PIP review period, the process may revert to dismissal. The decision to dismiss will be confirmed by the Manager in writing, within 7 calendar days of the meeting. The letter will explain the reason for dismissal, the right to appeal against dismissal and any support or steps that may be taken during the notice period.

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15. Appeals Against Dismissal

15.1 If an employee is dismissed, they will have the right of appeal against their dismissal. The Appeals policy provides details on how to appeal, the process to be followed and the timescales.

15.2 The purpose of an appeal hearing is to decide whether the Improving Performance Policy has been followed and to decide if the decision to dismiss was reasonable in all the circumstances.

16. Notice Periods

16.1 When an employee is dismissed, they are entitled to the appropriate period of contractual or statutory notice (whichever is greater), paid at their normal rate of pay. Employees will not normally be required to work their notice period.

17. Review And Monitoring

17.1 The policy and procedure will be reviewed and its effectiveness evaluated periodically. We retain the discretion to review it at any time subject to relevant consultation.

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Version Control

DOCUMENT HISTORY & VERSION CONTROL

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1.	24 October 2017	SLT	Original Policy
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