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## Performance improvement policy

This policy replaces the former Capability Policy.

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### Aim

We believe our people make all the difference to delivering the highest quality of services to our residents. To this end we want you to be confident, empowered, and able to perform your role to the standards set for you.

We understand that there will be times when performance concerns may come to light and will need to be addressed. This policy aims to provide a framework for resolving poor performance in a fair and supportive way. You will, therefore, be informed of any performance concerns and given an opportunity to respond and improve.

This policy will be used when performance has been identified as falling below acceptable levels. The procedure is set out at Appendix A and will be followed when the informal stage i.e. the usual supervisory conversations have not achieved improvement.

1.

If the poor performance is believed to be the result of deliberate negligence, wilfulness or where the consequences of errors are serious or potentially serious, e.g. safeguarding

concerns, it may be necessary to use our disciplinary policy instead.

2.

Most meetings will be held face to face under this procedure, but where this is not possible, we may conduct the process remotely. If this is the case, we will ensure that you and your representatives have access to the necessary technology for participating.

3.

A record of formal meetings held under this procedure will be made.

4.

## **Scope**

This policy applies to all employees of the council except teachers, for whom there is a separate procedure, and those employed in schools under the control of governing bodies, for whom procedures adopted by the governing body will apply.

Separate provisions apply to staff whose terms and conditions are governed by the Joint Negotiating Committee for Chief Officers.

Employees are as defined in section 230 of the Employment Rights Act 1996 or any substituting or amending legislation. This policy does not apply to agency workers. Issues relating to agency workers should be referred to the person's employing agency.

## **Performance management and Clear Review**

2.

By performance management we mean the day-to-day management and supervision by which your performance is assessed and developed. Performance Improvement is the formal stages of this policy by which concerns around under-performance will be addressed.

[Clear Review](#) is our performance management system for you and your manager to facilitate and enable performance discussions. It will allow you to schedule regular check in conversations, set goals/objectives, keep track of all goals/objectives, monitor progress and is a prompt for development discussions.

On Clear Review, you can keep records of discussions, record actions and importantly seek and give feedback. If you require help or have questions on Clear Review, please email [developandlearn@hounslow.gov.uk](mailto:developandlearn@hounslow.gov.uk)

Your performance should be discussed in regular supervision discussions/ check ins with your manager. The frequency of these discussions will vary but Clear Review should be used to schedule these conversations.

The purpose of these discussions is to consider performance and progress against predetermined goals. They are an opportunity to acknowledge good performance, provide constructive feedback and for performance concerns to be noted and addressed informally.

## **Informal Action**

Informal action takes place in your normal performance management discussions as set out in paragraphs the above paragraphs. Prompt, timely action will often address concerns before they need to be escalated to a formal meeting. Where this has not been achieved or if the concerns are serious, a formal meeting may be invoked.

In cases of poor performance, your manager will identify and discuss with you instances of unsatisfactory performance, and explain what improvements are required and how they can be achieved.

You will then have an opportunity to improve your performance. If necessary, support (e.g. coaching or training) will be provided. Your performance will then be reviewed as part of the normal supervision.

In all performance discussions you should note that whilst reasonable support will be provided, objectives for improvement will be set that you will need to achieve.

## **Role of managers**

All managers must be fair, consistent and objective in dealing with performance issues across their teams. It is also your responsibility to ensure that:

- you have made your staff aware of their required levels of performance
- you have discussed with them their goals and objectives
- you have set them clear and measurable standards, through the use of competences, personal targets, objectives and up-to-date job descriptions
- you have scheduled regular performance conversations on Clear Review
- performance concerns are identified at an early stage and support offered as necessary through regular check ins/1-2-1s/supervisory meetings
- you have made them aware of the consequences of not maintaining or failing to achieve performance standards
- appropriate training, coaching, supervision and support is provided to enable achievement of required standards

## **Role of employees**

Our [Code of Conduct](#) sets out the standards expected of you; one being that you effectively undertake your work responsibilities.

This includes recognising when performance is below the required standard and engaging fully in all efforts to improve performance either through training, coaching, supervision and appraisal discussions.

2.

## **Confidentiality**

We all have personal responsibility for ensuring that information we receive is kept confidential and secure, whether it is written or verbal, or received directly or indirectly. This is particularly so when dealing with performance matters, where personal information may be shared by colleagues.

## **Records**

Where formal action is taken, case details should be held on the individual's personal file rather than on Clear Review.

## **Monitoring and review**

We are committed to improving employment practices and will monitor the application of this policy. The policy will be kept under review and amended as and when required.

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## **Performance improvement procedure**

### **Stage 1 – informal stage**

Prior to invoking the formal meeting, your manager will have discussed with you informally their concerns about your performance, provided an opportunity and support for you to demonstrate improvement.

They should be able to evidence these discussions, including the actions and outcomes for improvement, be satisfied that the concerns are based on evidence rather than a subjective opinion and that this evidence has been collated.

If the performance concerns are serious then it may be appropriate to proceed directly to the formal stage.

### **Stage 2 – performance improvement meeting**

#### **Case management review**

Where informal discussions have not led to the required improvement in performance, then the matter will progress to the formal stages.

Before this, your manager should have a case management review with their People Business Partner. This involves reviewing the actions taken thus far, the supporting evidence and planning for the performance meeting.

#### **Formal performance improvement meeting**

You will be invited to a performance improvement meeting and the arrangements for the meeting will be made in accordance with the Formal Meeting Protocol. At the performance improvement meeting, conducted by your manager, the concerns around your performance will be discussed, including the support you may need to achieve the required level of improvement.

You will be given an opportunity to ask questions, offer an explanation and respond to the concerns as identified by your manager. It is essential that you understand what is expected of you, so that significant and sustained improvement can be made.

The outcome of the meeting will be confirmed in writing within five working days and a decision taken to either:

- Implement an Improvement and Review plan,
- To refer the matter for consideration under another procedure

Your outcome letter will make clear that a failure to improve performance within the stated review period, or a failure to sustain improvement for 12 months, will lead to a Performance Hearing, which could result in your dismissal.

### **Performance improvement plan**

The improvement plan is a series of actions and measures to support an improvement in your performance. It will be tailored for your specific needs. In most cases the plan will be agreed with you, but if agreement cannot be reached, we reserve the right to insist on any aspect of the improvement plan.

The plan will be shared with you, either with the outcome letter or shortly afterwards and will include:

1. **Goals and objectives** in which improved performance is needed and criteria for assessment.
2. **Timescales** in which necessary improvement must be achieved; this may also include deadlines for specific individual goals.
3. **Support** to be made available; this may include, training, coaching, additional supervision, additional support from colleagues.
4. **Feedback** to be regularly provided by your manager, indicating extent of improvement. If your manager, feels that progress is not being made, a further meeting may be held to discuss, and your improvement plan may be amended or extended.

### **Review**

At the end of the period of the improvement plan, your performance will be reviewed. If satisfactory progress has been made, you will be advised of this in writing and informed that no further formal action will take place provided that improvement is maintained for a further 12 months. A failure to maintain satisfactory performance during the following 12 months will normally result in a formal hearing under stage 3 of this procedure.

If, however, your manager feels that satisfactory progress has not been made, your improvement plan may be extended and/or amended. Alternatively, you may be asked to attend a formal hearing under stage 3 of this procedure.

### **Stage 3 – performance management hearing**

You will receive written notification of the formal performance management hearing. Arrangements for the meeting will be made in accordance with the formal meeting protocol and you will be entitled to be accompanied by your trade union representative or a work colleague.

The hearing will be conducted by a Chief Officer and a representative from People Business Partnering Services will attend in an advisory role.

At the hearing, because of their involvement in Stages 1 and 2, your manager would normally present the management case. You will also be given an opportunity to ask questions, comment on the concerns raised and to put forward any explanation for the underperformance.

The Chief Officer will then review the case as presented by both you and your manager and decide to either:

#### **1. *Extend the performance improvement plan and issue a final formal warning***

This would only be where some improvement has been made and the Chief Officer considers that a further short review period would achieve the required level of performance. The review period, generally no more than 4 weeks, will be determined by the Chief Officer, and will involve monitoring by the manager. This decision may also include the withholding of an annual increment.

The written letter of notification will also issue a final written warning that a failure to meet the standards required will lead to your dismissal. Should this occur then the Hearing panel will be reconvened. You have a right of appeal against any formal written warning.

#### **2. *To issue notice and end employment***

#### **3. *Offer to demote or transfer to another post***

Such offers will be entirely at our discretion and normally as an alternative to dismissal only in circumstances in which we are satisfied that you should no longer be allowed to continue in your current role. An offer will only be made where we are confident that you will be able to perform well in another post e.g. where you have recently been promoted but had performed well in previous post.

Such an arrangement can only be made with your agreement and is subject to availability of an alternative suitable post. Should you accept, then the terms and conditions of the alternative

post will apply. Advice must be sought from your People Business Partner before entering any such discussions.

## Stage 4 – appeal

You will have a right of appeal against any sanctions issued under stages 2 and 3 of this procedure. If you wish to exercise this right, then you should do so in writing within five working days of notification of the outcome letter. In your letter set out the grounds of appeal on which you believe the decision to be flawed or unfair. The appeal should be sent to either your manager or the Chief Officer who Chaired the Hearing.

If the appeal is against dismissal the [Employment Dismissal Appeal Policy](#) will apply.

For appeals against other sanctions, an appeal hearing will be convened, to Chaired by a more Senior Chief Officer. A representative from People Business Services will be present in an advisory capacity.

During the appeal the decision to impose the sanction will be reviewed and you will have an opportunity to present your grounds of appeal. 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.

The outcome of the appeal will be confirmed to you in writing within five days and the decision from the appeal is final.

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**Effective from:** 01.12.2023    **Owner:** Strategic People Services, HR & OD

**Replaces:** Capability Policy 15.11.16

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