



Axminster Town Council



PERFORMANCE IMPROVEMENT POLICY AND PROCEDURE

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This Policy is part of a suite of employment policies designed for a small council adhering to statutory minimum requirements. As with all policies it is consistent with our terms and conditions of employment.

1.0 Purpose and Scope

1.1 This procedure is designed to help and encourage all employees of Axminster Town Council to achieve and maintain standards of job performance which are acceptable to the Council. The aim is to ensure consistent and fair treatment for all.

1.2 This document:

- supports The Council and employees to bring about positive changes in work performance and attitude, when needed, and,
- explains how The Council will deal with instances of performance that fall below standards, in a fair and consistent way.

1.3 It applies to all employees following successful completion of a probationary period, whether full time, part time or temporary. It does not apply to volunteers or agency staff.

2,Principles

2.0

- informal coaching and supervision will be considered to improve performance
- no formal warnings will be given until the causes of poor performance have been considered
- for formal warnings, employees will be advised of the nature of the poor performance and will be given the opportunity to state their case at a formal performance improvement meeting before any decision is made by The Council
- employees will be provided, where appropriate, with copies of examples of poor performance in advance of a formal performance improvement meeting
- at all formal stages of the procedure employees will have the right to be accompanied by a fellow employee or trade union representative
- employees will have the right to appeal against any formal warnings issued

2.2 Where poor performance is believed to be the result of deliberate negligence, or where serious errors have been made to the detriment of the Council, The Council may decide to use the disciplinary procedure instead.

3.0 Informal feedback

3.1 Before this procedure is engaged, employees will receive feedback setting out the concerns about their performance and how it must improve. This procedure is designed to be used when such informal discussions do not lead to an improvement in performance to an acceptable level

4.0 Process

4.1 Where informal discussions have not led to an improvement in performance, the Council will follow the following procedure:

First stage of formal procedure - first written warning

4.2 An employee will be invited to a formal meeting during which their performance will be discussed. The letter inviting them to attend will give examples of what The Council considers to be poor performance; and advise them of their right to be accompanied at the meeting.

4.3 At the meeting, the employee will be given the opportunity to respond; the causes of the poor performance will be considered; and where training and development is appropriate this will be considered.

4.4 Having listened to their response, the employee may be issued with a first written warning for unsatisfactory performance, ie. if their performance does not meet acceptable standards. This will set out: -

- the performance problem
- the improvement that is required
- the timescales
- any help that may be given
- the right of appeal

The employee will be advised that it constitutes the first stage of the formal procedure and that the warning will remain on their file for 12 months

4.5 A record of the warning will be kept on their file.

4.6 If their performance improves to an acceptable level following the first meeting, the Council will meet with the employee to confirm that their performance is now satisfactory. This will be confirmed in writing to them. Providing that satisfactory improvement is sustained, the warning will be disregarded after 12 months for the purposes of providing an employment reference.

However, the warning will be considered again if the poor performance re-starts.

Second stage of formal procedure - final written warning

4.7 If the concerns about an employee's performance continue, they will be invited to a second formal meeting during which their performance will be discussed. The letter inviting them to attend will give examples of what The Council considers to be poor performance; and advise them of their right to be accompanied at the meeting.

4.8 At the meeting, Councillor representatives identified by the Employment Committee will discuss the progress made following the first meeting and the employee will be given the opportunity to respond; and where training and development is appropriate this will be considered.

4.9 Having listened to the employee's response and if their performance hasn't improved to a satisfactory level, they may be issued with a final written warning for unsatisfactory performance. This will set out: -

- the performance problem
- the improvement that is required
- the timescale
- any help that may be given
- the right of appeal
- that the warning will remain on their file for 12 months
- advice that it constitutes the final written warning and a warning that failure to improve may lead to dismissal

4.10 A record of the warning will be kept on the employee's file.

4.11 If their performance improves to acceptable level following the second meeting, The Council will meet with the employee to confirm that their performance is now satisfactory. This will be confirmed in writing to them. Providing that satisfactory improvement is sustained, the warning will be disregarded after 12 months for the purposes of providing an employment reference.

However, the warning will be considered again if the poor performance re-starts.

Final stage of formal procedure – dismissal

4.12 If the concerns about an employee's performance continue, they will be invited to a formal meeting during which their performance will be discussed. The letter inviting them to attend will give examples of what The Council considers to be poor performance; and advise them of their right to be accompanied at the meeting. The letter will also advise them that dismissal may be considered.

4.13 At the meeting, Councillors will discuss the progress made following the second meeting and the employee will be given the opportunity to respond. Having listened to their response and if performance hasn't improved to a satisfactory level, dismissal will be considered, or where appropriate redeployment to an alternative role.

4.13 Any offer to redeploy an employee will be entirely at The Council's discretion. Such an offer will be made only where there is a vacancy that The Council is confident they would be able to perform to a satisfactory level. The alternative job may be on different terms of employment. It will normally be offered only as an alternative to dismissal in circumstances

in which The Council is satisfied that the employee should no longer be allowed to continue to work in their current role. While an employee will be free to refuse any offer of redeployment, the only alternative available will usually be dismissal.

4.14 If The Council believes that there is no alternative role available and suitable for the employee, but that they have not met an acceptable standard of performance, The Council may decide to dismiss. Any dismissal will be with full notice or payment in lieu of notice.

4.15 If the decision to dismiss is taken, the employee will be provided in writing with;

- reasons for dismissal
- the date on which the employment will terminate
- the right of appeal

5.0 Appeals

5.1 If an employee wishes to appeal against a formal warning or dismissal they must do so by writing to the Clerk within five working days. The Clerk will arrange for an appeal meeting to take place. Wherever possible, the appeal will be heard by a more senior officer or a sub-committee made up of Council representatives of the Employment Committee who have not previously been involved in the matter.

5.2 Employees have the right to be accompanied at the appeal meeting by either a work colleague or a trade union representative. At the appeal hearing, the decision to impose the sanction will be reviewed and they will be entitled to make representations about the appropriateness of that decision.

5.3 If the performance improvement matter relates to the Clerk, the appeal must be made to the Chair of the Employment Committee and heard by the Mayor.

5.4 The outcome of appeals will be confirmed in writing, explaining the grounds on which the decision was reached. The outcome of the appeal will be final.

6.0 Rescheduled meetings

6.1 If an employee fails to attend a scheduled Performance Improvement Meeting without satisfactory reason, The Council will reschedule the meeting. The employee will be advised that if they do not attend the rescheduled meeting without a satisfactory reason, The Council reserve the right to make a decision in their absence. The Council will however confirm that if an employee does not wish to attend the hearing, they may send written representations, join the hearing by telephone or send a representative on their behalf.

7.0 Right to be accompanied

7.1 Employees have the right to be accompanied by a work colleague or a Trade Union representative to all formal meetings in this procedure. The Council will also consider requests to be accompanied to any investigation meetings.

7.2 A work colleague will be allowed time off to accompany the employee to the meeting and The Council will support any work colleague who agrees to be a companion. A companion must feel able to agree to the request on the basis that they will not be treated to any detriment if they accept. However, the companion can decline a request.

7.3 It is the responsibility of the employee to ensure their companion is aware of the meeting arrangements and that they have any documentation in good time. If their chosen companion is not available at the time proposed for the meeting, they must provide The Council with alternative dates that they are both able to meet. These dates must be within the following five working days unless The Council can agree to alternative arrangements.

7.4 If the employee and their representative are unable to meet with The Council within a reasonable time, The Council will discuss alternative arrangements to enable them to respond to the concerns. If The Council is unable to meet with the employee personally, this may mean that The Council considers the concerns in their absence with a companion attending on their behalf or considering a written response.

8.0 Confidentiality and data protection

8.1 Axminster Town Council aims to deal with performance improvement matters sensitively and with respect for the privacy of the individuals involved. All employees must treat as confidential any information communicated to them in connection with a performance improvement matter.

8.2 A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an additional person arranged by The Council to take notes.

8.3 The Council processes any personal data collected during the performance improvement procedure in accordance with its data protection policy and privacy notice as issued to our employees. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the performance improvement procedure.

8.4 Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with The Council's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

This is a non-contractual procedure which will be reviewed from time to

Notes

This policy is designed to provide Axminster Town Council as the employers and their employees with a consistent framework to improve performance. If performance does not improve to standards as reasonably expected by The Council, this policy provides a procedure that can enable a fair dismissal. The procedure must be applied fairly and reasonably.

1. Scope

This policy does not apply to employees within their probationary period, nor to volunteers or agency staff.

2. Reasonable adjustments

2.1 When managing performance, it may become apparent that an employee has a health condition that is covered by the Equality Act. Councillors may need to ask consent from the member of staff to seek an Occupational Health (OH) report to better understand their health condition.

2.2 If the employee has a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities, The Council will need to establish what adjustments may be required to support the employee in the workplace. OH will help councillors to understand what this could mean. The Council will need to assess what changes can be reasonably made.

With regards to performance concerns, a reasonable adjustment could be to:

- allow an employee to work flexible hours to enable them overcome fatigue arising from their disability.
- reallocate minor duties because an employee has difficulty doing them because of a disability.
- allow more time for an employee to complete a piece of work because of a disability.

2.3 Not considering making a reasonable adjustment to support an employee with a health condition covered by the Equality Act would amount to disability discrimination.

3 When to go formal

3.1 Day-to-day performance management is critical to ensure that The Council has a good understanding of the challenges an employee has, explore any training or support required, and provide positive and developmental feedback on performance.

3.2 When work isn't being done as The Council reasonably expects, it may be because there is a mismatched understanding, external difficulties that hinder performance, or a lack of skill or will. Until The Council has had that conversation, it may not know where the problem lies.

3.3 In busy day-to-day work, there isn't always time to take a step back and reflect. Holding regular, monthly meetings with employees is important because it provides a space to discuss and better understand what the challenges are. If things are not going as The Council would like, these regular meetings are an opportunity to review and clarify expectations.

3.4 If this doesn't lead to improved performance, then The Council should explain the impact this is causing the Council and emphasise the importance of what employees need to do. Using SMART objectives will give greater clarity on expectations (SMART - Specific, Measurable, Achievable, Realistic and Time-bound).

3.5 If this doesn't lead to improved performance, reasons will be discussed and decisions made as to whether issues are sufficiently serious to proceed to the formal stage. It is quite common for line-managers to spend a lot of time in the informal stages, providing coaching and support for extended periods of time and then becoming exasperated, wanting to dismiss if performance doesn't improve. Irrespective of the time spent informally managing the situation, The Council as employers are expected to have used all the formal stages of the procedure before getting to the point of dismissal.

3. In the circumstances where this situation applies to the Clerk, the Chair of the Employment Committee acts as the line-manager who will follow each stage of the procedure.

4 How long is reasonable to wait before moving to the next formal stage?

This will depend on the nature of the improvement required. Some performance improvements can be made immediately (i.e. ensuring agendas are published with three full days' notice), whilst others may take longer (i.e. learning an accounts package to ensure the budget is monitored and reported monthly to The Council).

5 Avoid bullying allegations

It is understandable that an employee may feel very uncomfortable when performance concerns are discussed. It is not unusual for an employee to believe (or claim to believe) that they are being bullied, and possibly raise a grievance. This is more likely to happen if the performance concerns have been going on for some time and not addressed. If the employee raises a grievance, the formal performance management process should be paused whilst the grievance is addressed.

There are a few ways to help reduce the risk of bullying allegations: -

- where possible, share concerns with a peer and get another view on whether expectations are reasonable (ensuring there is no breach of data protection)

- make sure that any positive performance is recognised and communicated (preferably supported in writing)
- ensure feedback is specific and not presented with emotional or subjective language
- ensure that the evidence to support a concern is in place before raising the concern (where relevant)
- ensure negative feedback is not given in open plan; arrange a meeting when there will be time to discuss the issues
- plan what is intended to say when giving feedback and stick to it – having scripted bullet points will help to stick to the facts
- avoid raising concerns from third parties that cannot be substantiated
- where concerns are shared by others, encourage them to provide feedback directly (this is not appropriate if a more junior employee has voiced a concern)
- be selective; where there are numerous concerns, focus on the most important ones and 'park' the less serious

Date of policy: January 2021

Approving committee: Employment Committee

Date of committee meeting: January 2021

Policy effective from: 1st February 2021

Date for next review: December 2021