



Bishopston Community Council

PERFORMANCE MANAGEMENT POLICY

22 May 2024

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

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Bishopston Community Council

PERFORMANCE MANAGEMENT POLICY

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Purpose and Scope

This procedure is designed to help and encourage employees to achieve and maintain standards of job performance which are acceptable to the community council. The aim is to ensure consistent and fair treatment for all. This document:

- Supports both the community council and the employee to bring about positive changes in work performance and attitude, when needed, and,
- Explains how the community council will deal with instances of performance that fall below required standards, in a fair and consistent way.

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.

This policy is adopted on a non-contractual basis and therefore does not make up part of employees' contractual terms and conditions. It may be amended at any time.

Principles

- 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 the employee 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
- The employee will be provided, where appropriate, with copies of examples of poor performance in advance of a formal performance improvement meeting
- The employee will be given reasonable notice of any meetings in this procedure. The employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submissions
- The employee will have the right to be accompanied by someone they work with, a workplace trade union representative who's certified by their union to act as a companion or an official employed by a trade union, at any formal performance management or appeal meeting.
- If the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date unless it is unreasonable not to propose a later date
- Audio or video recordings of the proceedings at any stage of the performance management procedure are prohibited, unless agreed by all affected parties as a reasonable adjustment that takes account of an employee's medical condition
- The employee will have the right to appeal against any formal warnings issued
- Any changes to specified time limits in the community council's procedure must be agreed by the employee and the council
- If an employee who is already subject to the community council's performance management procedure raises a grievance, the grievance will normally be heard after the completion of the performance management procedure

Where poor performance is believed to be the result of deliberate negligence, or where serious errors have been made to the detriment of the community council, the decision may be made to use the disciplinary procedure instead.

Informal feedback

Before this procedure is engaged, the employee 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.

Formal Process

Where informal discussions have not led to an improvement in performance, the following the formal procedure will apply.

1. First stage of formal procedure – first written warning

The 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 poor performance is considered to be; and advise them of their right to be accompanied at the meeting.

At the meeting, a notetaker, appointed by the Community Council, may be present.

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.

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

- The performance problem
- The improvement that is required
- The timescale
- Any help or training that may be provided
- The right of appeal
- They 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

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

If performance improves to an acceptable level following the first meeting, a meeting with the employee may be held to confirm that their performance is now satisfactory. This will be confirmed in writing to the employee.

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 or if performance has not met the required improvement within required timeframe.

2. Second stage of formal procedure - final written warning

If the concerns about performance continue, the employee will be invited to a second formal meeting during which their performance will be discussed.

The letter inviting the employee to attend will give examples of what the poor performance is considered to be; and advise them of their right to be accompanied at the meeting.

At the meeting, a notetaker, appointed by the Community Council, may be present.

At the meeting, discussions will be held on 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.

Having listened to the employee's response, if 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 your file for 12 months
- Advise the employee that it constitutes the final written warning and will also warn that failure to improve may lead to dismissal

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

If performance improves to acceptable levels following the second meeting, a meeting will be held 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 or if performance does not improve to the required standard.

3. Final stage of formal procedure – dismissal

If the concerns about performance continue, the 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 poor performance is considered to be; and advise them of their right to be accompanied at the meeting. The letter will also advise that dismissal may be considered.

At the meeting, a notetaker, appointed by the Community Council, may be present.

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

Any offer to redeploy will be entirely at the community council's discretion. Such an offer will be made only where there is a vacancy that the community council are confident the employee 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 community council are satisfied that the employee should no longer be allowed to continue to work in their current role. While the employee will be free to refuse any offer of redeployment, the only alternative available will usually be dismissal.

If the council believes that there is no alternative role available and suitable, but that the employee has not met an acceptable standard of performance, the decision to dismiss may be taken. Any dismissal will be with full notice or payment in lieu of notice.

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

Appeals

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

The employee will have the right to be accompanied at the appeal meeting.

At the meeting, a notetaker, appointed by the Community Council, may be present.

At the appeal hearing, the decision to impose the sanction will be reviewed and the employee will be entitled to make representations about the appropriateness of that decision.

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

Rescheduled meetings

If the employee fails to attend a scheduled performance improvement meeting without satisfactory reason, the meeting will be rescheduled. The employee will be advised that if they do not attend the rescheduled meeting without a satisfactory reason, a decision may be made in their absence. If the employee does not wish to attend the performance improvement meeting, it will be confirmed to them that they may send written representations or join the meeting by Teams/Zoom call.

Right to be accompanied

A work colleague will be allowed time off to accompany the employee to the meeting. The companion has the right to decline a request.

It is the employee's responsibility 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, the employee must provide the community council with alternative dates that they are both able to meet. These dates must be within the following five working days unless the community council can agree to alternative arrangements.

The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining their case.

If the employee and their representative are unable to attend the meeting within a reasonable time, alternative arrangements will be discussed to enable the employee to respond to the concerns. If a meeting with the employee in person is not possible the concerns may be considered in their absence with their companion attending on their behalf or considering a written response.

Confidentiality and data protection

The community 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. Failure to do so may result in disciplinary action.

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 community council to take notes.

The community 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.