CHELTENHAM
BOROUGH COUNCIL

Managing Performance (Capability) – Policy & Procedure

Introduction

Here at the Council we have high expectations when it comes to your performance, but we also understand that sometimes it takes some additional support to meet the required level. We expect our employees to be honest, admit when they make a mistake or don't understand something, to put it right and, importantly, learn from experiences and move on quickly. When it comes to your personal performance a continual dialogue with your manager should mean that you know what is expected of you and how you are performing; if you are unsure ask. If things are not quite on track, then your manager may speak to you informally to see what we can do to give additional support to enable you to meet the required standard of performance. A more formal process will only need to be followed if, after that, your performance is still not up to the required standard.

This policy and procedure applies to all employees who have successfully passed their probationary period. Issues with performance for employees who are still in probation should be managed using the Probationary Policy.

Your performance

- All cases will be dealt with in a non-discriminatory and consistent way and we will always offer support when required e.g. occupational health.
- If informal discussions and support have not helped to improve your performance, we will need to take a more formal approach. Remember you can be accompanied by a fellow worker or trade union official (where applicable) at formal meetings and any subsequent appeal.
- It is important to recognise this procedure is not meant to be a long drawn out process. Whilst reasonable time will be given to improve, this may be a number of weeks and not months.
- An HR Business Partner will be available to provide advice and guidance to a manager throughout all stages of the process.

Formal stage 1 - You will be given five working days' notice to attend a formal meeting at which your manager will:

- Make clear the areas in which your performance is below expectations, giving examples, with the aim of identifying reasons for the under-performance which could be resolved with further support.
- Give you the opportunity to explain your performance and raise any concerns you have about your role or the support you require.
- Confirm that you understand the level of performance that the Council requires in your role.
- Agree a timescale for improvement.
- Advise you that details of your formal discussion, together with a plan to improve your performance, the agreed timescale and dates for meetings within the review period will be sent to you in writing by email.
- Advise you that, if you improve your performance, it will still continue to be monitored for 12 months.

Formal stage 2 - If your performance does not improve (or where a first instance of unsatisfactory performance is sufficiently serious to warrant escalation) you will again be given five working days' notice to attend a formal meeting at which your manager will:

- Give you further evidence and examples of areas where performance is still below requirements.
- Give you the opportunity to explain your performance.
- Discuss what has changed, if anything, since the first meeting and the support given.
- If, having heard from you, your manager remains concerned, you may be given a Formal Warning for unsatisfactory performance.

- Give consideration to any additional training or support that could reasonably be given to you to enable you to reach the required standard of performance.
- Agree a further timescale for improvement and review.
- Advise you that the details of the meeting and outcome will be confirmed to you in writing by email.
- At the end of the review period, if there has been sufficient sustained improvement in your performance, no further action will be required.

Final stage - If we still have concerns about your performance following stage 2, a final formal meeting will be held with you at which your manager will:

- Review your case and the steps that have been taken to support you.
- Hear your explanation for your performance.
- If, after your explanation, your manager remains concerned, a decision will be taken to either dismiss on the grounds of capability or to extend the final stage due to extenuating circumstances.
- The option of allowing further time for improvement may only be considered if there is evidence to persuade the manager that further time is likely to lead to the required sustained improvement in performance.
- The details of the meeting and outcome will be confirmed to you in writing within five working days of the meeting taking place.

Appeal - You have the right to appeal against any formal action taken against you within five working days of the date of written confirmation of the action taken. Details of how to appeal and who to send it to will be given in the letter that is sent to you.

- Your appeal should be made in writing (email is fine) and you should clearly state the grounds for your appeal.
- Your appeal letter and case details will be reviewed by a senior manager not previously involved in the case.
- Where an appeal is upheld, reference to the caution or dismissal will be disregarded. Alternatively, the outcome of the appeal hearing may be to impose a lesser penalty or, if new evidence comes to light, the outcome could result in a higher sanction being imposed up to and including dismissal.
- The outcome of your appeal will be confirmed to you in writing within five working days of the review taking place.
- If you are successful in appealing against dismissal on the grounds of capability, you will be paid in line with your contract of employment in respect of the period from dismissal to reinstatement, as if the dismissal had never taken place.
- The decision reached at any appeal will be final.