

# **Performance Management Policy**

## **1. Overview**

1.1 We recognise that during your employment your capability to carry out your duties may vary and sometimes may deteriorate. This can be for a number of reasons, the most common ones being that either the job changes over a period of time and you fail to keep up with the changes, or you change (most commonly because of health reasons) and you can no longer cope with the work. We will deal with any poor performance issues that exist under this policy.

1.2 This policy does not form part of your contract of employment, and we reserve the right to amend it at any time.

1.3 This policy applies to all employees. It does not apply to self-employed contractors, workers, and agency workers.

1.4 This policy does not apply to sickness absence (see our Sickness Absence Management policy for that). It does not apply to misconduct issues either (see our Disciplinary policy for that). Sometimes, the circumstances may mean that we need to follow more than one policy at the same time, or switch to using a different policy. For example, if after investigation the Institute decides that the issues are not actually performance, but are misconduct. If that happens, steps taken under this policy will be regarded as taken under the other policy, ie we won't do the same things twice unless there's a compelling reason to do so.

## **2. Informal Discussions and Formal Investigation**

2.1 If we have any concerns about your performance, we will normally work with you to help improve it informally first. This may include providing you with training, meeting with you and monitoring your performance.

2.2 We understand that it can be difficult to have discussions about performance improvement. We aim to deal with any performance issues sensitively, constructively and where possible, in confidence. It is however, important for our business that our employees perform to a satisfactory standard.

2.3 Before taking formal action, we will carry out an investigation. The nature of this will vary, but it might include looking at your performance review records/appraisals, some of your work, and other relevant documents. It will usually also involve speaking to you and your manager.

### **3. Your right to be accompanied**

3.1 You are entitled to be accompanied by a colleague or trade union representative at any meeting called under this policy where you face a formal warning, or dismissal, as a result of that meeting. This right does not extend to any investigation meetings which lead up to a formal performance improvement meeting.

3.2 If you want to exercise this right, you should tell us as soon as possible who you want to accompany you. It is your responsibility to arrange for them to attend. If you choose a work colleague, we will not prevent them from attending, but we may rearrange the meeting if their absence from work causes operational problems.

3.3 Your colleague or union representative can, if this is your preference, explain the key points of your case to the meeting and can respond on your behalf. You can also confer with them during the meetings. They must not however, answer questions put directly to you, or try to prevent the Institute asking questions or outlining its arguments.

### **4. How we carry out formal performance improvement meetings**

4.1 If we decide after investigation to take formal action over your performance, or need to take further action following a review period, we will write to you to tell you:

- when and where your performance improvement meeting will take place;
- the details of the concerns we have with your performance; and
- the possible consequences.

We will usually include copies of any relevant documents.

4.2 You are entitled to bring a companion with you to the meeting - see above at paragraph 3.3 for details of what they can and cannot do.

4.3 You must let us know as soon as possible if you want to bring your own witnesses to the meeting and/or you have documents or other evidence you want to present.

4.4 It is your responsibility to attend the meeting but, if you cannot, we will normally reschedule it, provided we are satisfied with your explanation for why you cannot attend. We may however be obliged to make our decision without you being present, and we will in any case only reschedule the meeting once, unless there are very good reasons to justify a second rescheduling.

4.5 Please do not record the meeting without our consent, as this suggests that you do not trust the Institute's process or the managers who are conducting it. If you have misgivings about either the process or the managers leading it, you should tell us openly so that we can address your concerns. For our part, we in turn will not record the meeting without your knowledge.

4.6 We will go through all the details at the meeting so that you fully understand our concerns with your performance and the standards of performance we need you to meet.

4.7 We would like to understand any reasons for your poor performance. If you consider that a medical condition or personal issues are affecting your performance, please tell us so that we can take medical advice where necessary and consider any reasonable adjustments.

4.8 We will give you the time you need to respond to the concerns raised and to put your own case. We will also give you the opportunity to question us, to present your own evidence, to call your own witnesses, and to respond to evidence any Institute's witnesses put forward. If there are any questions you want us to put to the Institute's witnesses, please tell us and (unless there is a good reason not to) we will make sure they are asked.

4.9 We will discuss with you the targets for improvement that we need you to meet and the timescale for that improvement. We will also let you know of any support we will provide (such as training or supervision) to help you.

4.10 If we decide at any point during the process, that no further action will be taken, we will inform you of that.

## **5. Performance improvement notice**

5.1 Assuming further improvement is required, we will send you a performance improvement notice following the performance improvement meeting. We try to do this within two weeks of the meeting. It will include:

- a description of the performance you need to improve;
- your targets and timescales for improvement;
- the monitoring we will do, and training, supervision or other help we will provide;
- the date when we will review your performance; and
- the possible consequences of a failure to improve during the relevant timescale, or of additional poor performance in other areas.

5.2 If your performance problem stems from insufficient skills, any performance improvement notice may include a plan of training, mentoring or other development activities to help you develop and apply the skills necessary to perform at the required standard. For these purposes 'skills' will encompass all the technical skills, soft skills (such as interpersonal and communication) and other characteristics you are required to demonstrate in your job to be effective at the required standard.

5.3 Each performance improvement notice will normally remain in place on your work record for 6 months from the date you are notified of it, unless you already have an active notice relating to poor performance. But sometimes we will keep them active for longer, particularly if we think there is a pattern developing of you improving performance while on an improvement notice, and then your performance going down again when the notice ends.

5.4 The stage of notice issued relates to the stage of performance improvement meeting you have had. For example, if you have had your first performance improvement meeting, then you will be issued with a first performance improvement notice. If you have had your final performance improvement meeting, then you will be issued with a final performance improvement notice. We may vary these steps if, for example, we have agreed to extend a review period.

## **6. Performance improvement stages**

6.1 There are usually two stages of our policy for dealing with cases of poor performance, before we consider dismissal for capability, although we may vary this, depending on the circumstances:

- First performance improvement meeting, followed by the issue of a first performance improvement notice; and
- Final performance improvement meeting, followed by the issue of a final performance improvement notice.

6.2 Your performance will be monitored at each stage of the process and assessed at the end of the review period. If your performance has improved to a satisfactory standard, no further action will be taken. If substantial improvement has been made, but it still falls short of the required standard, then the review period may be extended. If your performance has not improved to a satisfactory level, then you will be invited to another performance improvement meeting at the next stage of this policy.

6.3 If your poor performance is serious and the facts warrant it, we may skip a stage of the procedure. For example, for serious poor performance we may move straight to a final performance improvement meeting. If you are grossly negligent, such that we could dismiss you without any written warnings, we may move straight to the meeting in paragraph 7 below to consider your dismissal. If your poor performance is more to do with refusing to work to acceptable standards (rather than difficulties with achieving those standards), we may use our Disciplinary Policy.

## **7. Dismissal for poor performance**

7.1 If there is an active final performance improvement notice in place and your performance has not improved to the required standard during the review period, or your performance has been grossly negligent, you may be invited to a meeting, in accordance with paragraphs 3 and 4 above, at which you could be dismissed for capability.

7.2 Before dismissing you, we will consider whether you are likely to improve significantly within a reasonable time. We may also explore other actions short of dismissal. These may include deploying you to a different role, demoting you, and/or extending your final performance improvement review period.

7.3 The Institute's decision following this meeting will be sent to you in writing. We try to do this within two weeks of the meeting.

## **8. Your right to appeal**

8.1 You may appeal against any performance improvement notice given to you and also in the event of your dismissal, or other formal action taken in accordance with this policy, such as redeployment or demotion. To do this, you need to write to us within a week of being sent the notice or letter, explaining exactly why you are appealing.

8.2 We will invite you to an appeal meeting. Wherever possible, the appeal meeting will not be led by the manager who held the meeting at which we decided what action to take. You may be accompanied by a trade union representative or work colleague, in line with the process outlined in paragraph 3 above.

8.3 The Institute's final decision will be sent to you in writing. We try to do this within two weeks of the appeal meeting. You do not have any further right to appeal against that particular decision or stage of the process.

The Birmingham and Midland Institute  
February 2019