

# MANAGING PERFORMANCE POLICY

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## **1. INTRODUCTION**

The aim of this policy is to provide guidance on how the Association addresses employees whose performance is inadequate. This policy works in parallel with the disciplinary policy. The Association is clear that, although it can sometimes be the case, it is not always appropriate to label incapability and poor performance as misconduct warranting disciplinary action.

## **2. INFORMAL PERFORMANCE MANAGEMENT PROCEDURE**

The procedures set out below will apply to all employees who have completed 24 months' continuous service.

If the Association considers that an employee's performance is unacceptable, the employee will be notified in writing of the Associations' concerns and / or complaints and the employee will be invited to attend an initial meeting with their line manager, to try to establish the reasons.

The employee will be given the opportunity to respond to the complaints or concerns about their performance.

The employee's line manager will investigate the cause of the employee's poor performance. Causes could include, for example, lack of skills, inadequate training, and lack of support, tools or other resources, lack of communication or problematic working relationships. The manager carrying out this initial counselling will provide the employee factual examples of their unsatisfactory performance and the employee will be asked for their explanation, which will subsequently be followed up and checked where appropriate.

Where the reason for unsatisfactory performance is lack of the required skills, the employee will, where practicable, be assisted through training and be given reasonable time to reach the required standard of performance. If it is a question of lack of support employees, tools or other resources or facilities, attention should be paid to this and assistance provided if appropriate.

A note of all discussions will be recorded for the employees file. A Performance Management Action Plan will be compiled detailing what is expected from the employee in terms of tasks, behaviours and targets. (Appendix A). A review of the employee's performance will then be conducted after a specified timescale that allows them a reasonable opportunity to reach the required standards of performance.

## **3. FORMAL PERFORMANCE MANAGEMENT PROCEDURE**

Where poor performance does not improve after the above have been exhausted, the Association will use the following steps to deal with the matter by way of formal performance or disciplinary warnings where:

- it is clear that the employee's performance does not arise from any of the reasons stated above; or
- the Association has taken the appropriate informal steps to assist the employee to improve his or her poor performance and he or she has not improved to the required standard within the specified timescale.

The employee will be informed in writing of the concerns about his or her poor performance and will be invited to attend a disciplinary meeting to discuss this with the line manager responsible for reviewing his or her performance. The line manager will seek to identify the cause(s) of the poor performance and determine what, if any, remedial action can be taken. The employee will be given the opportunity to respond to the concerns and/or complaints.

The employee must make all reasonable efforts to attend any disciplinary meeting. Where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause an employer can make a decision on the evidence available.

If at the conclusion of the disciplinary meeting the line manager believes that there is a shortfall in the employee's performance which requires further attention from them, then the employee will be issued with a formal warning.

### 3a. Formal Warnings

The level of warning, if any, will be determined by the severity of the unsatisfactory performance. As the first step of formal corrective action following unsatisfactory performance the Association will normally impose a written warning. If the unsatisfactory performance continues, the Association may, having followed the Disciplinary Procedure in each instance, apply a final written warning and eventually dismiss the employee.

For more severe case of unsatisfactory performance the Association may apply a final written warning as the first step if appropriate. The Association reserves the right to implement the procedure at any stage should the outcome of the initial review meeting suggest the performance failing warrants it.

### 3b. Written Warning

If there is no improvement or insufficient improvement after an informal Warning, or if improvement is not maintained, the employee will be given a written warning. The written warning will:

- Provide an explanation of the reasons for the warning.
- Set out the improvement in performance required.
- Set out any support or training the Association can offer you.
- Set out the time limit for achieving and maintaining the required improvement.
- Detail any review meetings to be held during the currency of the improvement notice.
- Set of the consequences of your failure to meet and maintain the required improvement in performance.
- Set out how long the warning will remain active. This will normally be dependent on the circumstances and will be specified in the warning letter.
- Confirm your right of appeal against the decision to issue you with an first written warning.

At the expiry of the improvement notice/warning letter the Association will inform you whether you have achieved the improvement in performance required in which case no further action will be taken.

If there is no or insufficient improvement in your performance or if improvement is not maintained for the required period the time limit for achieving the required improvement may be extended or further action may be taken.

3c. Final Written warning

If there is no improvement or insufficient improvement after a written warning, or if improvement is not maintained for the period stated in the written warning, the employee will be given a final written warning setting out the details as outlined above. The final written warning will include a statement that a failure to improve to the required standard is likely to result in dismissal.

3d. Action short of Dismissal

Action short of dismissal such as demotion or transfer to a different post can only be used in exceptional circumstances. This is because a demotion is equivalent in legal terms to a dismissal. The Association must be in a position to "fairly dismiss" an employee before a demotion can be imposed. However, there may be cases where an employee agrees to a change of duties including a demotion and a reduction in salary/benefits commensurate with a revised role as an acceptable outcome of a formal performance management procedure.

3e. Dismissal

If there is still no improvement or insufficient improvement after a final written warning, or if improvement has not been maintained for the period stated above, the employee will normally be dismissed with notice or pay in lieu. Alternatively, at the Association's entire discretion, alternative work elsewhere in the organisation may be offered to the employee if any suitable posts are available.

**4. RIGHT TO BE ACCOMPANIED**

Employees have the right to be accompanied at each meeting by a work colleague or trade union representative.

**5. APPEALS**

Employees have same rights of appeal at each stage of the procedure as detailed in the Disciplinary and Dismissal Appeals Procedure.

# PERFORMANCE ACTION PLAN

<b>Employee name</b>		<b>Date of review meeting</b>	
<b>Job title</b>		<b>Line manager name</b>	

**Manager Comments**

**DATE OF NEXT FORMAL REVIEW**

**Manager signature**

**Date**

**Employee Comments**

**Employee signature**

**Date**