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MANAGING PERFORMANCE POLICY

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1. INTRODUCTION

This policy applies to employees and workers only.

The Association operates a performance management procedure which works in parallel with the disciplinary procedure. Clearly it is not always appropriate to label unsatisfactory performance as misconduct warranting disciplinary action, though this may be necessary at times. However, the Association is required to address performance inadequacy and deal with it effectively.

The Association reserves the right not to follow this procedure if:

- You are a worker; or
- You are an employee with less than 24 months' continuous service.

2. YOUR ENTITLEMENTS & RESPONSIBILITIES

The Association aims to deal with poor performance fairly and consistently. Where possible, the Association will seek to deal with unacceptable levels of performance informally.

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

Where informal steps are not enough to improve your level of performance to the required standard within a specified timescale or where it is clear that your performance does not arise from any of the reasons stated above, formal action will be taken as described below. Other than in exceptional cases you will not normally be dismissed for a first instance of unacceptable performance.

You have the right to appeal against a decision the Association makes at a formal meeting relating to your unacceptable performance. In these cases, the Association will make every effort for the appeal to be dealt with by a different Manager to the person who dealt with the matter initially.

The Association's decision at the appeal stage is final and there is no further right of appeal.

3. LEVELS OF PERFORMANCE SANCTIONS

First Written Warning

A First Written Warning will usually be applied as the first step of corrective action in cases of underperformance.

The First Written Warning will:

- Provide an explanation of the reasons for the Written 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 Written Warning
- Set out 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 Written Warning
- Confirm your right of appeal against the decision to issue you with the First Written Warning

At any time before the expiry of the Warning 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.

Final Written Warning

If you have not achieved the improvement in performance as set out in the First Written Warning a Final Written Warning may be issued to you.

The Final Written Warning will:

- Provide an explanation of the reasons for the Final Written 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 Warning
- Set out the consequences of your failure to meet and maintain the required improvement in performance and that this could include your dismissal
- 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 a Final Written Warning.

At any time before the expiry of the Final Written Warning the Association will inform you whether you have achieved the improvement in performance required in which case no further action will be taken.

If you have not achieved the improvement in performance required as set out in the Final Written Warning you will be invited to a formal Performance Management meeting the outcome of which may be your dismissal.

You will be provided with confirmation of any dismissal decision in writing. This will:

- Set out the reasons for your dismissal
- Confirm the date your employment has terminated or will terminate
- Confirm your right to appeal the decision to dismiss you

The Association reserves the right, at its complete discretion, to impose a sanction short of dismissal if it is deemed appropriate. This may include demotion, transfer to a different post or another appropriate sanction. Any such decision will be confirmed to you in writing once you have been informed of the outcome.

4. MANAGING PERFORMANCE PROCEDURE

In the first instance, performance issues should normally be dealt with informally between you and your line manager as part of day-to-day management. The formal procedure should be used in any case where an earlier informal discussion has not resulted in a satisfactory improvement.

You will be given the opportunity to respond to the complaints or concerns about your performance.

The Association will investigate the cause of your poor performance. Causes could include, for example, lack of skills, inadequate training, lack of support, tools or other resources, lack of communication or problematic working relationships. You will be provided with factual examples of your unsatisfactory performance and you will be asked for your explanation, which will subsequently be followed up and checked where appropriate.

Invitation to a Performance Management meeting

If you are required to attend a formal Performance Management meeting, the Association will inform you of this in writing.

In the letter, the Association will set out the issues that are to be considered, the potential consequences and, since this is a formal meeting, your right to be accompanied by a companion.

Where appropriate, we will include copies of relevant documents for example factual examples of your unsatisfactory performance and any relevant policies. The letter will also inform you of the date and time of the meeting to allow you sufficient time to prepare for it.

Your right to be accompanied at a Performance Management meeting

You are entitled to be accompanied at a Performance Management meeting by a fellow worker or a trade union official. With the exception of those under the age of 18, when a parent or guardian will be permitted, no other person will normally be permitted to attend.

Should you wish to be accompanied, you must notify the Association of the name and position of your chosen companion as soon as possible.

Your companion is permitted to put forward and summarise your case, respond on your behalf to views expressed in the meeting, ask questions and confer with you, but will not be entitled to answer questions directly on your behalf.

Action if you cannot attend the meeting on the proposed date

If you feel that you have a legitimate reason as to why you cannot attend the meeting on the proposed date, you must contact the person named on the invitation letter to advise them of this fact immediately. The meeting may then be delayed to facilitate your attendance, if this is considered reasonable.

Attending the Performance Management meeting

You must attend the meeting at the proposed time. Failure to participate in the process or attend arranged meetings without good reason may result in a decision being made in your absence.

Prior to the meeting, you should ensure that you are fully prepared to answer questions relating to the circumstances in question. At the meeting you will be given every opportunity to state your case and present any evidence before any decision is made.

After the Performance Management meeting

At the end of the meeting there will normally be an adjournment to allow for consideration of the facts. You will be informed of the outcome and any sanction will be confirmed in writing to you as soon as possible.

In some circumstances there may be a need to adjourn and reconvene a meeting at a later date if we need to gather any further information or give consideration to matters discussed at the meeting. In this case you will be advised accordingly.

Notification of the Decision

Following the Performance Management meeting, the Association will notify you of its decision and the Performance Management sanction it will apply. This letter will also explain your right to appeal against any decision taken and sanction applied.

5. APPEALS PROCEDURE

Your right of appeal against a Performance Management sanction

If you wish to appeal against a decision you must submit your request in writing to the Secretary of the Management Committee, stating the reasons for the appeal. This should be submitted within ten working days of receiving notification.

The Appeal meeting

Appeals will be heard by the Management Committee (or a Sub-Committee). Appeals will be held promptly, and normally within 10 working days after receipt of your Appeal, unless mutually agreed after consultation with you and any Trade Union official.

You will be informed of the date and time of the Appeal Meeting. If you feel that you have a legitimate reason as to why you cannot attend the meeting on the proposed date, you must contact the person named on the invitation letter to inform them of this fact immediately. The meeting may then be delayed to facilitate your attendance, if this is considered reasonable. You will be entitled to be accompanied by a fellow worker or a Trade Union official.

You must notify and obtain the consent of all those present at the meeting if you intend to record it.

At the Appeal Meeting you will be given an opportunity to state your case. Your companion is permitted to put forward and summarise your case, respond on your behalf to views expressed in the meeting, ask questions and confer with you, but will not be entitled to answer questions directly on your behalf.

The meeting will then be adjourned to allow the Association to consider the facts and the decision will be confirmed in writing. The outcome will be communicated as soon as possible, taking into account the complexity of the issues raised in the appeal. The decision at this stage will be final.

The Management Appeals Committee (or a Sub-Committee) has the power to confirm, amend or reject any sanction.

If any sanction is reconsidered and effectively withdrawn, any written references to this will be removed from your employee record. This will be confirmed to you and any Trade Union official in writing.

6. POLICY REVIEW

The Managing Performance Policy will be reviewed on a biennial basis, or as otherwise deemed necessary, by the Governance Sub-Committee or RBS Mentor to comply with Employment Law legislation.