



Performance Policy

1. Introduction

- 1.1. If it is considered that an employee is underperforming, the Chair should give informal feedback setting out the concerns and how their performance can be improved. If this does not resolve the situation then this procedure can be followed.

2. Purpose

- 2.1. This policy/procedure should be used when an employee's performance has been identified as falling below an acceptable level. Its purpose is to provide a framework for resolving the issue, ideally through the improvement of the employee's performance.
- 2.2. Where an employee's poor performance is believed to be the result of deliberate negligence, or where serious errors have been made by them to the detriment of the Council, then disciplinary procedures may be applied instead.
- 2.3. The policy should be applied fairly and consistently to all employees regardless of regardless of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race, religion or belief; sex or sexual orientation whether working full or part-time or whether employed under a permanent, temporary or a fixed-term contract. The Council will make such adjustments as necessary to individual cases in accordance with the Equality Act 2010 Roles and Responsibilities.

3. Responsibilities

- 3.1. The Council is responsible for ensuring that as far as is reasonably practicable the workplace environment and working conditions do not contribute to employee performance issues. It is the responsibility of the Chair to ensure that employees have a meaningful annual appraisal and six month review, reasonable opportunity to undertake essential training and to ensure that performance is managed in a timely and effective way.

- 3.2. Employees have a responsibility to undertake essential training as specified by the Council, to take part in the appraisal process and to undertake their work in a competent manner. All employees are responsible for the delivery of their performance.
- 3.3. All employees have the right to be:
- Clearly informed of the required standards of performance;
 - Given feedback on their performance against those standards;
 - Made aware if they are not meeting the agreed required standards of performance;
 - Given support, resources and time to improve wherever appropriate;
 - Treated with sensitivity.

4. Procedure

4.1. Stage 1

- 4.1.1. In the first instance the Chair will inform the employee of the nature of the problem and informally agree a plan of action.
- 4.1.2. Following discussion of the problem the Chair manager may choose to:
- Take no further action;
 - Refer the matter for investigation under the disciplinary procedure; or
 - Issue guidance to the employee on what they need to do to improve their performance

4.2. Stage 2

- 4.2.1. Where stage 1 does not lead to a satisfactory improvement in the employee's performance, the employee will be invited to a performance review meeting to discuss the employee's performance and decide what measures should be taken, with a view to securing the required improvement in the employee's performance. The meeting will be conducted by the Chair.
- 4.2.2. The outcome of the meeting may be:
- A decision to take no further action;
 - A decision to refer the matter for investigation under the disciplinary procedure;
 - The implementation of a performance improvement programme, designed to bring the employee's performance up to an acceptable level.

- 4.2.3. A **performance improvement programme** is a series of measures designed to help improve the employee's performance. Each measure will be ideally agreed with the employee, although the Chair reserves the right to insist on any aspect of the performance improvement programme in the absence of such agreement.
- 4.2.4. Each programme will be tailored to the particular situation but will contain the following elements:
- Timescale of when improvement and actions need to be delivered;
 - Detailed actions;
 - Measures to be used to determine achievement;
 - Dates for regular feedback meetings;
 - Training required;
 - Additional support such as a nominated councillor to act as a mentor;
 - Review - If unsatisfactory progress has been made by the end of the programme, the Chair can progress the matter to a formal performance management hearing;
 - Review - If satisfactory progress has been made by the end of the programme, the employee will be notified of this fact in writing. However, if during the following 12 months the employee's performance again starts to fall short of an acceptable standard, the Chair refer the matter to a formal performance management hearing.

4.3. Stage 3

- 4.3.1. The performance management hearing will be held by the Chair of the Finance Committee with a nominated councillor. The employee will be entitled to be accompanied.
- 4.3.2. At the hearing the employee will be given an opportunity to respond to any criticism of their performance and to make representations about any aspect of the way in which the process has been managed.
- 4.3.3. The outcome of the hearing may be a decision to:
- Take no further action;
 - Refer the matter for investigation under the disciplinary procedure;
 - Institute another performance improvement programme;
 - Issue a formal warning to the employee;
 - A formal warning will be issued if the hearing concludes that reasonable steps have been taken by the Chair that should have allowed the employee to perform to an acceptable standard, but that these measures have not worked. The warning will explain the nature of the improvement

that is required in the employee's performance and state that the improvement must be immediate and sustained. It will also explain that, if the necessary improvement does not take place, the employee may be dismissed. The warning will remain current for a period of 12 months, after which it will cease to have effect.

- 4.3.4. Where an employee is issued with a formal warning in accordance with this procedure, they will have a right of appeal.

4.4. Stage 4

- 4.4.1. If an employee has been issued with a warning under stage 3 that remains live and the Chair believes that their performance is still not acceptable, the matter may be referred to a performance dismissal hearing.
- 4.4.2. The employee will be informed in writing of the grounds on which the hearing is convened. In particular, they will be told of the respects in which their performance remains below an acceptable level.
- 4.4.3. The hearing will be conducted by the Chair of the Finance Committee with a nominated Councillor. The employee will be entitled to be accompanied.
- 4.4.4. At the hearing the employee will have the opportunity to respond to any criticisms made of their performance and make representations about how the situation should be treated.
- 4.4.5. The outcome of the hearing may be:
- A decision to take no further action;
 - The issuing of another performance management warning;
 - A decision to dismiss the employee.

4.5. Appeal

- 4.5.1. An employee has a right of appeal against a sanction issued under stages 3 or 4 of this procedure. A request for appeal should be sent in writing to the Chair of the Finance Committee and set out the grounds on which the employee believes that the decision was flawed or unfair. The request should be sent within fourteen days of the employee receiving written confirmation of the sanction imposed. An appeal hearing will be convened to consider the matter. It will be chaired by two nominated Councillors. The employee will be entitled to be accompanied.
- 4.5.2. At the 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 result of the appeal will be either to confirm the sanction or substitute any outcome that was available to the panel conducting the hearing at which the sanction was imposed on the employee.
- 4.5.3. 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.

5. Statutory, mandatory and essential training

5.1. The Chair will make the employee(s) aware through induction and appraisal of the training required for them to undertake and of the frequency that they are required to undertake it. They will also make them aware of how the training can be accessed and of what they should do if they have problems in accessing the training.

6. Councillor training

6.1. Training in relation to the process and required actions will be given by the nominated lead from the Finance Committee. In addition members are able to seek support from KALC

7. Implementation and communication

7.1. This policy has been ratified by the Finance & Administration Committee under the delegated responsibility given to the Committee by Full Council, as set out in the Terms of Reference of the Finance and Administration Committee.

7.2. This policy should be reviewed as a minimum every 4 years.

Version	Source	Approved
1.0	LPC	10 Feb 2020
1.1	LPC	13 Mar 2023