



# **NOTTINGHAMSHIRE COUNTY COUNCIL**

## **PERFORMANCE MANAGEMENT PROCEDURE**

<b>Title: Performance Management Procedure</b>			
<b>Aim/Summary: To provide a management framework to support and enable employees to meet the performance requirements of their respective roles</b>			
<b>Document type</b> (please choose one)			
Procedure	*	Guidance	
Strategy			
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<b>Subject Areas</b> (choose all relevant)			
About the Council		Older people	
Births, Deaths, Marriages		Parking	
Business		Recycling and Waste	
Children and Families		Roads	
Countryside & Environment		Schools	
History and Heritage		Social Care	
Jobs		Employees	*
Leisure		Travel and Transport	
Libraries			

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<b>Please include any supporting documents</b>	
<b>Review date</b>	<b>Amendments</b>

## Performance Management Procedure

### 1. Aim

1.1. This procedure reflects Nottinghamshire County Council's commitment to effective performance management and provides a framework for managers to work with employees to establish standards; to maintain satisfactory performance; and to encourage improvement where necessary.

1.2. Managers will encourage and support employees using a range of tools, including regular support and supervision, clear objective setting as part of the ongoing EPDR process and using coaching and counselling as appropriate to provide every assistance to employees to maximise their performance.

### 2. Scope

2.1. This procedure applies to all employees of the County Council except for staff on probationary periods. See Appendix 1 – guidance on Conducting Probationary Reviews.

2.2. The procedure does not apply to workers supplied through an employment agency and those covered by the School Teachers Pay and Conditions (STPC) document.

2.3. Any performance issues relating to an agency worker should be addressed through the supplying agency/Managed Service Provider.

2.4. As this procedure is intended to address poor performance it will not apply to cases involving sickness absence, proposed redundancies or misconduct.

### 3. Introduction

3.1. This procedure should be read in conjunction with the following documents and guidance:

- The [Competency Framework and guidance \(insert link\)](#) for each tier
- [Employee Performance and Development Review \(insert link\)](#) (EPDR) Process
- The [Performance Management Good Practice Guide for Managers \(insert link\)](#)
- [Supporting Employees with Disabilities \(insert link\)](#)
- Any relevant Professional and Technical Competencies

3.2. The procedure supports and enables every employee to contribute towards the goals of their teams and the organisation as a whole. Employees will know the priorities, aims and objectives of the County Council; understand how their role contributes to achieving these goals; ensures they possess the necessary skills and competencies to fulfil their role; are aware of the expected standard of performance; can expect to receive positive, constructive feedback; and be supported and enabled to identify and address any performance gaps.

3.3. Performance management will be applied fairly and consistently. Employees will not be discriminated against because of a protected characteristic in accordance with the Equality Act 2010. It is the manager's responsibility to ensure employees have a clear understanding of their job purpose and the job and behavioural

standards expected of them. Managers will support and enable employees to reach the required level of performance through the following means:

- effective induction into a new role and the standards expected of them in terms of behaviours and practice
- access to relevant learning and development opportunities, including coaching and mentoring where appropriate
- clearly understood objectives which are SMART (specific, measurable, achievable, relevant and timely)
- regular support and supervision which includes constructive feedback on performance and a reminder of required standards
- completion of the EPDR process including assessment and regular reviews completed within the published timescales
- effective use of the [competency framework](#) as outlined in the related guidance
- a commitment to address any performance issues at the earliest opportunity to ensure the employee has the ability to improve to the required standard.

3.4. Performance management will happen as part of the normal day to day management arrangements and individual performance will regularly be discussed in supervision sessions and as part of the EPDR process. Team performance will be discussed in regular team meetings.

#### **4. Early intervention**

4.1. Managers are required to reasonably consider the performance issues and the action taken to address them before formal action is instigated. Employees will be given every opportunity and all appropriate support to improve. However, where the required improvement is not made and sustained or the case is of more serious poor performance, the procedure outlined below should be used. Details of the steps taken to try to achieve the required improvement will form part of the evidence presented at any future formal hearing. Early intervention by managers will include:

- clarifying the job purpose and required standards
- identifying areas of concern
- establishing the likely causes of poor performance and identify any training needs
- setting targets for improvement and a timescale for review.

4.2. Managers must maintain written records to support the action taken to address performance issues. Any written evidence should include supervision minutes; minutes of ad hoc meetings called to address performance issues; and letters highlighting concerns about an employee's performance. It should also contain a record of the steps taken to address the performance issues, for example, training records, learning logs, action plans. The employee should be aware of all the written records regarding their performance but they do not necessarily have to be in agreement with the content. Where a disagreement cannot be resolved, the employee or their representative can provide a note outlining the points of disagreement which will be attached to form part of the official record.

4.3. Managers must consider whether poor performance could be related to a disability and, if so, whether there are reasonable adjustments that could be made to an employee's working arrangements, including changing duties or providing additional equipment or training. If an employee wishes to discuss any adjustments/adaptations they require or if they want to inform their employer of any medical condition(s) considered relevant to their performance, this should be done through their line manager or a member of the [HR team](#).

4.4. Support for employees with a disability can be accessed by contacting the Disability Support Network [\(insert link\)](#).

## **5. The procedure**

5.1. Formal action will not be taken against an employee until the case has been reasonably considered by the line manager and appropriate support and training put in place to help the employee improve their performance. This means that the issues have been identified and where practicable, the employee has been given every opportunity to improve their performance.

5.2. The procedure is a staged process where the employee receives a warning(s) about the need to improve their performance to the required standard before any further consideration is given to their future employment and the potential for their contract of employment to be terminated under the terms of this procedure. Employees will not normally be dismissed for performance reasons outside of their probation period without a previous warning being issued.

5.3. In some exceptional cases, it may be advisable to temporarily redeploy, adjust existing duties or suspend an employee because of the risk their poor performance poses to service users, the public or their colleagues. Suspension is on contractual pay and is a neutral act [Disciplinary Procedure \(insert link\)](#). However once an employee is suspended they are unable to demonstrate improvement in their performance and consideration will need to be given as to whether they can return to their substantive role with an appropriate risk assessment in place or whether redeployment to a different, equivalent or more junior role is more appropriate. Some cases of performance shortfall may be so significant as to constitute gross negligence and these circumstances may be better considered under the Disciplinary Procedure. Managers are strongly advised to discuss any such cases with the [HR team](#).

5.4. The line manager will organise the hearing which will review the performance of the employee and any action taken to date to enable the necessary improvement to be made. The hearing will be chaired by an independent manager who will have no previous direct involvement in the case, advised by an HR Business Partner.

5.5 The notification or written statement of case will detail a time and venue for the hearing and should be sent out 10 working days prior to the date of the hearing. The statement should include any documents to be relied upon including written evidence, professional codes and/or relevant witness statements. The manager must be able to provide information regarding job purpose; standard setting; induction; support and supervision and any previous warnings about the implications for continued employment if improvement has not been made and maintained.

5.6 The notification should also advise the employee of their right to be accompanied at the hearing by a trade union representative or official employed by the trade union or a fellow worker. The employee should be asked to submit their written Statement of Case no later than 5 working days before the hearing date.

5.7 If there are reasonable grounds for the employee or their representative being unable to attend the proposed date, the re-scheduled hearing should take place within 5 working days of the original date.

## 6. Stage 1 – outcomes

6.1. The Chair in the Stage 1 performance management hearing may determine that one or more of the following outcomes are appropriate:

- application of a monitoring period for a specified time
- undertake a risk assessment
- assess whether there are further reasonable adjustments required under the Equality Act 2010
- issue a **written warning** for unsatisfactory performance where acceptable standards have not been met. The written confirmation of the warning will set out the performance issue(s); identify the improvement that is required and the timescale in which to make the necessary improvement. The warning confirmation will also identify any additional support and training to help close the performance gap and provide advice on the right of appeal. The individual will be advised that this constitutes the first stage of the performance management procedure.

A record of the warning will be kept on file and will be subject to regular review for the first 12 months to ascertain whether the required improvement has been made and sustained. The warning will remain on file and can be referred to within any 2 year period to ensure that satisfactory performance is maintained. This period may be extended up to 3 years where there has been a significant period of absence which has not allowed the employee to demonstrate their ability to sustain their improved performance.

- Issue a **final written warning** if the performance issue is sufficiently serious; or if unsatisfactory performance is longstanding with no or insufficient improvement towards meeting the required standards. This will give details of the improvement required and of the timescale to make this in. It will also warn that failure to improve may lead to dismissal or some other action short of dismissal. A copy of the final written warning will be kept by the line manager and again can be referenced within a 2 year period to ensure improved performance is maintained.

6.2. If either a written warning or a final written warning is issued the employee should be advised that they have a right of appeal against these outcomes – please refer to section 8. Appeals below.

6.3. Should the panel determine that the failure to meet the required standard in performance constitutes gross negligence then this should be considered under the Council's Disciplinary Procedure.

6.4. In the event of a further deterioration in performance or failure to achieve the required standard within the required timescale, the manager can move to the second stage of the formal process.

## **7. Stage 2 – outcomes**

7.1. The Chair in the Stage 2 performance management hearing may determine that the following outcomes apply:

- extend the monitoring period for a specified time
- determine that redeployment search be undertaken

(Please note that if the confirmed outcome is redeployment to a lower graded post where the employee agrees to take up such an appointment and a suitable post is available, pay protection will not be paid in these circumstances)

- To dismiss the employee if there is evidence of a continued failure to improve performance.

7.2. The decision to dismiss with contractual notice will only be taken after a full examination of the case to date; the steps taken to assist the employee meet the required standard and any other mitigating factors.

7.3. The hearing will be chaired by an independent manager with the relevant power to dismiss, advised by an HR Business Partner. The employee will receive confirmation of the panel's decision in writing, giving the reasons for dismissal, within 5 working days of the hearing. The letter will also advise the date on which employment will terminate and outline the right of appeal.

## **8. Appeals**

All appeals against the issue of a warning or dismissal under the Performance Management Procedure will be considered under the County Council's Appeals Procedure – see Disciplinary Procedure.

### Guidance on conducting Probationary Reviews

#### 1. Probationary review

1.1. New entrants to the authority will be subject to a six month probation period which should be properly managed, to ensure that any performance issues are picked up and addressed prior to the employee being transferred onto the permanent establishment. Expectations should also be reinforced on an ongoing basis within the supervision and EPDR process.

1.2. The probationary period has two review periods. The first review period should be after approximately two months service and the second no later than five months after commencement.

#### 2. First review - 2 months

2.1. Employees should be invited to the review and given notice of it so that they can prepare. This meeting consolidates what has happened so far within an open and frank discussion about their performance so far against the required standards, covering good and bad points, utilising the [probationary review form \[WORD\]](#).

2.2. If the employees' performance has not yet reached a satisfactory level, this meeting provides an opportunity to discuss what additional support you can provide e.g. guidance, training course, on-the-job training etc. Improvements need to be identified as well as the timescale for improvement.

2.3. The employee should be made aware verbally and followed up in writing, that if their performance does not reach a satisfactory level by the end of their probationary period, their continued employment is at risk. Guidance on written confirmation can be obtained from the [HR Team](#).

#### 3. Second review - 5 months

3.1. A second formal review should take place irrespective of how well things were going at the time of the first review.

3.2. Employees should be invited to the review and given notice of it so that they can prepare. This meeting consolidates what has happened so far within an open and frank discussion about their performance so far against the required standards, covering good and bad points.

3.3. If performance has reached a satisfactory level and is maintained over the next few weeks, the employee will be confirmed in post at the end of their probationary period and you will record that using the [probationary review form \(insert link\)](#)

3.4. If their performance had been below the desired level at the first review and progress has been made in the interim but it still falls below standard, you should contact the [HR Team](#) about extending the probationary period by up to 6 months. You need to go via HR as there are certain steps that need to be covered.



3.5. If their performance had been below the desired level at the first review and no progress has been made in the interim you need to consider whether they will reach the required standard or whether the employee needs to be dismissed. You need to seek advice from the [HR Team](#) to help make this decision.

#### **4. Appeals**

4.1. Employees can appeal against the decision to extend a probationary period and against dismissals carried out under the probationary procedure.

4.2. Appeals will be set up by HR and support will be given to assist the chair to produce a letter to the employee confirming the outcome of the appeal. Guidance is available for managers regarding the format for [conduction probationary extension appeals \(insert link\)](#) and dismissal appeals. Please talk through any appeals with your [HR Team](#).