

ABERDEEN
CITY COUNCIL

**MANAGING
PERFORMANCE**

GUIDANCE

Issue Number	Date Approved	Pages Amended	Originator Approved By
2	12/11/12	Various. Also new appendices 4, 6 and 7	KT JC

Contents

Purpose of guidance note

Role of the manager and the employee's responsibility

Who is covered by the policy

3 Critical Stages

Stage 1: Discussion and opportunity to improve

- Preparation for the meeting
- Discussion
- Performance Improvement Plan
- Review period
- Outcome of the review

Stage 2: Performance Review and further opportunity to improve

- Preparation for the meeting
- Discussion
- Outcome of the meeting

Stage 3: Performance Capability Hearing

- Management report
- Who attends the hearing?
- Steps to follow when conducting a performance capability hearing
- Points to consider before taking a decision to dismiss

Right of appeal

- Purpose of appeals process
- Grounds for appeal
- Registering an appeal
- Who hears the appeal?
- When should the appeal be heard
- Who should attend the appeal hearing?
- Conducting the hearing
- Factors to consider before reaching a decision

At a glance; how to manage performance

Managing Performance process flow chart

Appendices

1. Performance Improvement Plan
2. Record of Stage 2: Performance Review Meeting
3. Stage 3: Template Managing Performance – Capability Report
4. Model Letter – Invite to Stage 1 Discussion
5. Model Letter – Outcome of Stage 1 Meeting and Setting Performance Improvement Plan
6. Model Letter – Invite to Stage 1 Follow Up Meeting
7. Model Letter – Outcome of Stage 1 (where performance has sufficiently improved)
8. Model Letter – Invite to Stage 2 Meeting
9. Model Letter – Outcome of Stage 2 Meeting
10. Model Letter – Invite to Stage 2 Follow Up Meeting
11. Model Letter – Outcome of Stage 2 Follow Up Meeting
12. Model Letter – Invite to Performance Capability Hearing
13. Model Letter – Decision to Dismiss
14. Model Letter – Invite to Appeal Hearing
15. Model Letter – Confirmation of Outcome of Appeal

Purpose of the guidance notes

The purpose of these notes is to provide managers with practical advice and guidance on how to apply the Managing Performance policy and procedure. They give details on how to carry out each stage of the procedure including conducting meetings/hearings and provide general advice and assistance.

It is recognised that managing performance can be a challenging area of management and managers are advised to consult the HR Service Centre for advice where circumstances arise which are not specifically covered in the guidance.

Role of the manager and the employee's responsibility

It is emphasised that it is a manager's responsibility to monitor and manage employee performance. Reasonable support should be given by managers to employees who are not performing satisfactorily with the aim of assisting the employee to achieve the required standards of performance.

Managers will make an early intervention where an employee's performance has become a concern. At the same time, employees are expected to co-operate with the requirements of the Managing Performance policy and procedure and to take all reasonable steps to improve their work performance where it has become a management concern.

Setting standards of performance

Managers need to set realistic and achievable standards and ensure that their employees understand the requirements. The job profile for the employee's post should be referred to. These standards should be measurable in terms of quality, quantity and time.

Employees have a contractual responsibility to achieve a satisfactory standard of performance but at the same time should be given adequate support and encouragement to achieve that standard.

Early intervention

Where an employee is performing poorly and producing sub-standard work, this must be drawn to their attention at the earliest opportunity outwith the Managing Performance procedure, with consideration given as to whether this is due to insufficient instruction, training, supervision or some other reason. This will be regarded as the informal part of the process to address the performance issue.

As in the case of employees whose conduct is falling below the required standard, the right word at the right time and in the right way may be all that is needed to resolve the matter, however, applying the Managing Performance policy procedure will be necessary if the sub-standard performance continues.

Care in recruitment, selection and training and in particular at the time of induction, will of course minimise the risk of having poorly performing employees.

Assisting and encouraging improvement

Where it is evident that an employee's performance is consistently falling below the standard expected, where the informal approach has not been successful, it will be necessary to apply the Managing Performance policy and procedure with the objective

being to help the employee achieve the required standard. Whilst employees have a contractual responsibility to achieve a satisfactory level of job performance, they should be given appropriate help, encouragement and reasonable time to attain this. Examples of support and assistance that can be provided to attempt to improve their performance can include additional training on and off the job, coaching and mentoring or job shadowing.

Who is covered by the policy and procedure?

The Managing Performance policy and procedure applies to all employees of the Council, (except teachers, whose performance is considered under the General Teaching Council Code of Practice on Teacher Competence).

Three Critical Stages

The Managing Performance procedure has **three** stages:

- Stage 1 – Initial discussion and opportunity to improve
- Stage 2 – Performance review and further opportunity to improve
- Stage 3 – Performance Capability Hearing

Employees have a right to be accompanied by a trade union representative or work colleague of their choice at each stage of the process (but are not permitted, to be accompanied by a spouse, family member or a legal representative).

All meetings must be held in a private location to avoid interruptions and to ensure the employee feels that the matter is being treated confidentially.

The line manager should adopt a fair approach when discussing the issues, with the focus on identifying the reasons for the employee's under performance and any reasonable measures to achieve improvement.

Where necessary, appropriate arrangements should be made at meetings to cater for any disability the employee may have. Similarly, where English is not the employee's first language, there may also be a need to provide translation facilities.

Who chairs the meetings?

The employee's line manager will undertake the Stage 1 discussion and compile and agree a performance improvement plan with the employee, where an improvement plan has been deemed necessary (see Appendix 1).

The employee's line manager will also undertake the performance review meeting (at Stage 2 of the procedure).

A senior manager at **third tier or above** will chair the performance capability hearing (at Stage 3 of the procedure).

Stage 1 - Discussion and Opportunity to Improve

Preparation for the meeting

The letter at Appendix 4 will be issued to the employee inviting them to the Stage 1 meeting. Prior to the meeting, the manager will prepare the facts regarding the performance issues and gather details of concerns in relation to the employee's standard of work performance. This is to ensure that accurate information is available for discussion at the meeting.

Discussion

At the meeting the employee's line manager should raise their concerns with the employee and ask for an explanation.

Where the manager deems a Performance Improvement Plan to be necessary, the template at Appendix 1 should be completed during the meeting. At the meeting the manager should:

- Express concern over the employee's level of performance.
- Confirm the standards of performance expected of the employee and explain the employee's shortcomings, with evidence provided.
- Ask for a response which will be carefully considered by the manager and relevant follow up questions asked so that the manager has a clear understanding of the reasons for poor performance.
- Ask the employee if they have any suggestions as to how their performance could be improved and discuss what measures could be put in place to try to bridge the gap between current and required performance, including any support and training.
- Indicate that it is the employee's contractual responsibility to perform to the required standard.
- Inform the employee that it may be necessary to move the matter to Stage 2 of the procedure should their performance fail to improve over the review period set by the manager.

Performance Improvement Plan

Where a Performance Improvement Plan is deemed necessary, the line manager and the employee will jointly compile a plan then agree and sign it.

The contents of the plan will normally include -

- details of the performance issues
- the required improvement(s) in performance
- what support/training will be provided
- the timescale for improvement
- how progress will be monitored

The plan will be confirmed in writing to the employee, highlighting the agreed timescale for improvement and the potential consequences of failing to meet this (see letter 'Outcome of Stage 1 Discussion and Setting Performance Improvement Plan' Appendix 5).

Review Period

A review period will be set for improvement to occur for an employee at Stage 1. The manager will decide on the length of the review period; advice from the HR Service Centre can be sought on this if required. The manager will indicate the expected level of improvement in work performance for the employee to achieve during the review period. This will be set out in the Performance Improvement Plan.

The line manager should continually monitor the employee during the review period and record what occurs on the Performance Improvement Plan under the weekly reviews. It is recommended that the line manager and employee meet on a weekly basis to discuss progress.

Outcome of the Review Period

The line manager should consider the employee's performance during the review period before determining an appropriate course of action. At the end of the review period the manager will invite the employee to a follow up meeting to discuss their standard of work performance during the review period (see letter of invite at Appendix 6). There are 2 possible outcomes following the review period.

Outcome 1: Where there is a significant improvement in the employee's work performance, they move out of the procedure and normal monitoring of their performance applies (see letter of outcome at Appendix 7).

Outcome 2: Where the employee has not achieved a significant improvement in their standard of work performance within the set timescale the matter is progressed to Stage 2 of the procedure with the letter at Appendix 8 issued to the employee.

Stage 2 – Performance Review and Further Opportunity to Improve

Performance Review Meeting

The Performance Review meeting is the second stage in the Managing Performance procedure.

An employee will move to Stage 2 if a significant improvement in their standard of work performance was not demonstrated and maintained at Stage 1.

Preparation for the Meeting

Prior to the meeting, the manager will ensure that the Performance Improvement Plan compiled at Stage 1 is available and has been fully updated with what occurred during the Stage 1 review period with evidence of any issues. This would include details of what occurred in respect of each weekly review of the employee's performance. The line manager must base the updating of the Performance Improvement Plan on the facts of the case.

Discussion

At the Stage 2 meeting the manager will discuss with the employee their performance during the Stage 1 review period. The line manager should:-

- Express continuing concern over the employee's work performance following the Stage 1 review period and go over what occurred during the Stage 1 review.
- Identify what further support, training or other measures could be put in place to assist the employee to improve their performance.
- Reiterate that it is the employee's responsibility to perform their job to the required standard and the effect their unsatisfactory work performance is having on the service and how it may be impacting on colleagues and clients.
- Continue exploring and identifying the reasons behind the continued poor work performance if these have not already been fully identified.

- Explain the consequences of failing to meet the necessary standards and indicate that further action may be necessary.
- Indicate that the Performance Improvement Plan will continue to be used at Stage 2.
- Advise that the counselling service can be contacted if the employee wishes to use that service, with details on the Zone under AskHR.

The employee will be given the opportunity to provide a full response in respect of their performance during the Stage 1 review period and explain any steps they have taken to attempt to improve their work performance. A record of the discussion will be kept by the manager with this copied to the HR Service Centre for the employee's personal file (See Appendix 2 – template to record the discussion).

The line manager will indicate to the employee the steps that have been taken to date to assist and encourage improvement in their performance. They will confirm to the employee the possible outcomes of the Stage 2 Performance Review meeting.

The line manager will consider the employee's response before determining which outcome will be followed.

Outcome of the Meeting

The 3 possible outcomes following the Performance Review meeting at Stage 2 are:

<p>Outcome 1</p>	<p>Extend Review Period</p> <ul style="list-style-type: none"> • Where the employee has made a genuine attempt to reach the required standard following Stage 1 but additional support has been identified for the employee to achieve sufficient improvement in their performance, the review period can be extended. The manager will decide on the length of the review period at Stage 2 on a case by case basis. They should allow sufficient time for the employee to achieve the improvement. The employee should be informed in writing and provided with a reason for the extension. At the end of the extended period, the manager will reconvene the meeting and then take a decision on whether to move the employee out of the procedure and resume normal monitoring or proceed to Stage 3 of the procedure.
<p>Outcome 2</p>	<p>Proceed to a Capability Hearing</p> <ul style="list-style-type: none"> • Where a genuine attempt has been made to reach the required standard but despite additional training and reasonable support at Stage 1 it is apparent that the employee has not met or maintained this and it would not be appropriate to set a review period at Stage 2.
<p>Outcome 3</p>	<p>Commence an investigation under the Managing Discipline policy</p> <ul style="list-style-type: none"> • It may not be clear from the start that there is a conduct issue but it is possible that this could come to light through implementation of the Performance Improvement Plan. Where the line manager has a reasonable belief that the poor performance is due to a conduct or attitude issue rather than a capability issue then an investigation would commence under the Managing Discipline procedure.

The manager will confirm their decision to the employee in writing (see letter at Appendix 9). Where it is decided to extend the review period, the employee will be informed in the letter of this and given the reason(s) for the extension. At the end of the extended period, the manager should convene a follow up meeting to decide on how to proceed based on

what occurred during the extended review period (see letter of invite at Appendix 10 and the outcome letter at Appendix 11).

Where normal monitoring resumes but the employee's performance returns to an unsatisfactory level at any point during the following 12 months, the manager has the option to move the employee back in to the formal procedure at the same stage that they left it.

Stage 3 – Performance Capability Hearing

The performance capability hearing is Stage 3 of the procedure.

An employee will move to Stage 3 of the procedure if:

- the employee has not achieved and maintained a significant improvement in their performance during a review period at Stage 2 of the formal procedure. (ie Outcome 1)
OR
- where it was decided following the Stage 2 meeting to move directly to Stage 3 without setting a review period at Stage 2 (ie Outcome 2).

A possible outcome of the Stage 3 performance capability hearing is that the employee will be dismissed on the grounds of lack of capability due to sustained poor work performance. All other reasonable options will be considered at the hearing as an alternative to dismissal before any decision is made.

It is recommended that the employee is given at least 5 working days' notice in writing of being called to the hearing (see letter at Appendix 12). The line manager will have completed a management report in advance of the hearing, on the employee's performance whilst they have been subject to the Managing Performance procedure. This will be enclosed with the invite to hearing letter, with both copied to the HR Service Centre for the employee's personal file (see report template at Appendix 3).

Management Report

The line manager's report will include:

- A summary of the employee's performance record
- The completed up-to-date Performance Improvement Plan
- A record of meetings held with the employee including the employee's responses and what happened at Stages 1 and 2 of the procedure
- Details of the measures taken to help the employee improve their performance

Who attends the hearing?

- The chair of the hearing who must be a senior manager at third tier level or above.
- The line manager who has been managing the employee's performance.
- The employee.
- The employee's companion if they wish to be accompanied. This should either be a work colleague or trade union representative, but not a spouse, partner or legal representative.
- An HR Adviser to provide procedural advice and guidance.

All reasonable steps must be taken by the employee to attend the hearing. The employee will be informed in the letter inviting them to the hearing that if they fail to attend without good and sufficient reason, then it is likely the hearing would proceed and a decision made in their absence.

If the employee is unable to attend because his/her companion is not available on the proposed date, the employee can suggest another date which must suit everybody involved and be **no more than 5 working days after the original date**. Otherwise, the employee will need to select another companion to accompany them at the meeting or attend the meeting unaccompanied.

Should the trade union be unable to provide representation within 5 working days of the original date, this should not delay the process. It can be insisted that the pre-arranged meeting go ahead as planned.

In exceptional circumstances, consideration can be given to a trade union representative or work colleague attending the hearing on behalf of the employee, to present their submission, where the employee is unfit to attend and where they agree to this in advance. Alternatively, the employee can choose to provide a written submission.

The employee must be given an opportunity at the hearing to provide a full response as to why they have been unable to **achieve and maintain** a significant improvement in their performance at work.

The chair of the hearing must consider the employee's explanation alongside the evidence submitted by the line manager

Steps to follow when conducting a performance capability hearing

The chair should undertake the hearing using the following steps:

- Explain the purpose and format of the hearing and deal with any procedural issues that may arise.
- The manager who conducted the Stage 1 and Stage 2 meetings will be asked to present a management report on the employee's performance, including any measures taken to assist the employee to improve.

Note: The employee will already have been provided with a copy of the management report in advance of the hearing.

- The chair will ask the manager to explain why they considered it necessary to progress matters to Stage 3 of the procedure, meaning that dismissal on grounds of lack of capability due to sustained poor work performance is being considered.
- The employee will have the opportunity to ask any questions of the manager.
- The employee will be asked to respond and to present their case.
- The chair will consider any suggestions put forward by the employee and any other information presented.
- There will then be the opportunity for a general discussion during which both the employee and the manager can raise relevant issues not covered earlier.

- The employee will be given the opportunity to conclude their response by highlighting any aspects they consider particularly relevant or to intimate anything further in support of their case.
- Adjournments will be allowed during the course of the hearing where they are deemed necessary.
- At the end of the hearing an adjournment will occur. During the adjournment all of the relevant issues that emerged from the hearing will be considered by the chair and a decision will be made as to whether dismissal on grounds of lack of capability due to sustained poor work performance will be taken or whether another course of action will be followed.
- Following the adjournment, the decision will be relayed to the employee along with the reasons for taking the decision. This should be undertaken within 24 hours of the hearing and normally after a short adjournment following the end of the hearing. The decision will then be confirmed in writing to the employee (see letter at Appendix 13 - if the decision is to dismiss. The letter will also outline the right of appeal if the decision has been dismissal).
- If further information is required before a decision can be made, the hearing will normally be adjourned and reconvened once this information has been gathered, with the above process followed thereafter.

Points to consider before taking a decision to dismiss

Before deciding to dismiss an employee, the chair should consider the following issues:

- Has sufficient training and/or support been given, where this was feasible?
- Has the employee been consulted about their work performance and future prospects in light of their and the Council's needs and interests?
- Would it be reasonable to allow the employee any additional time for an improvement in work performance, bearing in mind the interests of the Council, the position the employee holds and the need to be fair to the employee?
- Has the employee been given the opportunity to give their views on the matter and have any points raised by the employee been considered?
- Has the Managing Performance procedure been followed?
- Have matters relevant to the case been sufficiently examined and considered at the hearing?
- Is there a reasonable belief that the circumstances of the case render a satisfactory fulfilment of the employment contract in the near future unlikely?
- Has the employee been advised of the consequences of reaching Stage 3 of the Managing Performance procedure and given the opportunity to put forward any final points for consideration before deciding whether to dismiss?

- Do the circumstances justify a decision to dismiss - taking account of the employee's job and the impact of the employee's performance on the service and the interests of the Council?

Right of appeal

Purpose of the appeals process

An employee, who is dismissed under the Managing Performance procedure at Stage 3 following a performance capability hearing, has the right of appeal against the dismissal decision.

The appeal is **not** a rehearing of the original case but an opportunity for the employee to highlight to an independent manager, with the power to make an alternative decision, why they believe the outcome of the performance capability hearing was unfair or incorrect. Appeals should be dealt with timeously.

Grounds for appeal

An employee can appeal against a dismissal decision where they consider that the decision to dismiss was in some way unfair or incorrect, where new and relevant information comes to light that was not available at the time of the performance capability hearing or where there have been significant defects in the procedure that has been followed which have disadvantaged the employee.

Registering an appeal

In addition to the above, an appeal must satisfy the following conditions to be considered competent:

- It must be in writing outlining the grounds for appeal - it is insufficient for the employee just to state that they wish to appeal without setting out their grounds.
- It must be made within the timescale set out in the notification letter.
- It must be submitted to the officer stated within the notification letter.

The manager who took the decision to dismiss should receive a copy of the written appeal and informed that they will be required to attend the appeal hearing to explain the basis of their dismissal decision.

If an appeal is registered which is malicious or vexatious, the matter will be referred to the Head of Human Resources and Organisational Development who will provide advice on how to deal with the issue.

Who hears the appeal?

The employee has 2 options:

The employee can choose to have their appeal heard by a senior manager who has had no prior involvement in the case. The chair of the appeal should be a **more senior** manager than the one who took the decision to dismiss at the performance capability hearing. Alternatively the employee may wish to have their appeal heard by the Appeals by Employees Committee (or equivalent in the case of chief officers). In this case, the appropriate elected members would hear the appeal, with normal committee procedures followed in respect of the appeal hearing

When should the appeal be heard?

Where the appeal is being heard by a senior manager rather than by the Appeals by Employees Committee, the manager appointed to hear the appeal should contact the employee in writing with the appeal arrangements as soon as possible.

Who should attend the appeal hearing?

Where the appeal is being heard by a senior manager, the following will attend:

- The senior manager chairing the appeal hearing
- The manager who took the decision to dismiss
- An HR Adviser to provide procedural advice and guidance
- The employee
- The employee's companion if they wish to be accompanied. This should either be a work colleague or trade union representative, but not a spouse, partner or legal representative.

Conducting the appeal hearing

The appeal should be conducted as follows:

The chair should hold the hearing in as private a location as possible and ensure that there are no interruptions e.g. phone calls, maintenance work. The chair should identify a separate room in case adjournments are necessary and arrange for water to be made available in both rooms.

It is recommended that the employee is given at least 5 working days' notice, in writing, of the appeal hearing (see letter at Appendix 14).

Where necessary, appropriate arrangements should be made to cater for any disability the employee or their companion may have. Similarly, where English is not the employee's first language, there may also be a need to provide translation facilities.

The employee must take all reasonable steps to attend the hearing. The employee will be informed in the letter notifying them of the appeal hearing that if they fail to attend without good and sufficient reason, then it is likely the hearing would proceed and a decision made in their absence.

In exceptional circumstances, consideration can be given to a trade union representative or work colleague attending the appeal hearing on behalf of the employee, to present their submission, where the employee is unfit to attend and where they agree to this in advance. Alternatively, the employee can choose to provide a written submission.

The chair should conduct the hearing as follows:

- Step 1** Explain the purpose and format of the hearing and deal with any procedural issues that may arise.
- Step 2** Ask the employee to state their grounds and reasons for appeal, highlighting any new matters have come to light that are relevant to the case.
- Step 3** Ask the manager who took the decision to dismiss to respond to the employee's submission.

- Step 4** Question both the manager and the employee. Other members of the appeal panel may also be invited by the chair to ask questions of clarification of the manager and employee.
- Step 5** Give both parties the opportunity to make a closing statement, firstly the manager then the employee.
- Step 6** Summarise the facts and then adjourn the hearing to consider all of the relevant issues that have emerged and make a decision.
- Step 7** Decide whether there are sufficient and reasonable grounds to either:
- Uphold the appeal in full in which case the employee would be reinstated
 - Reject the appeal, in which case the dismissal decision would stand
- Step 8** Inform the employee in writing of the appeal decision and the reasons for it immediately after the meeting. Make it clear within the letter that this decision is final (see letter at Appendix 15).

Factors to consider before reaching a decision

In arriving at a fair and reasonable decision, the chair should:

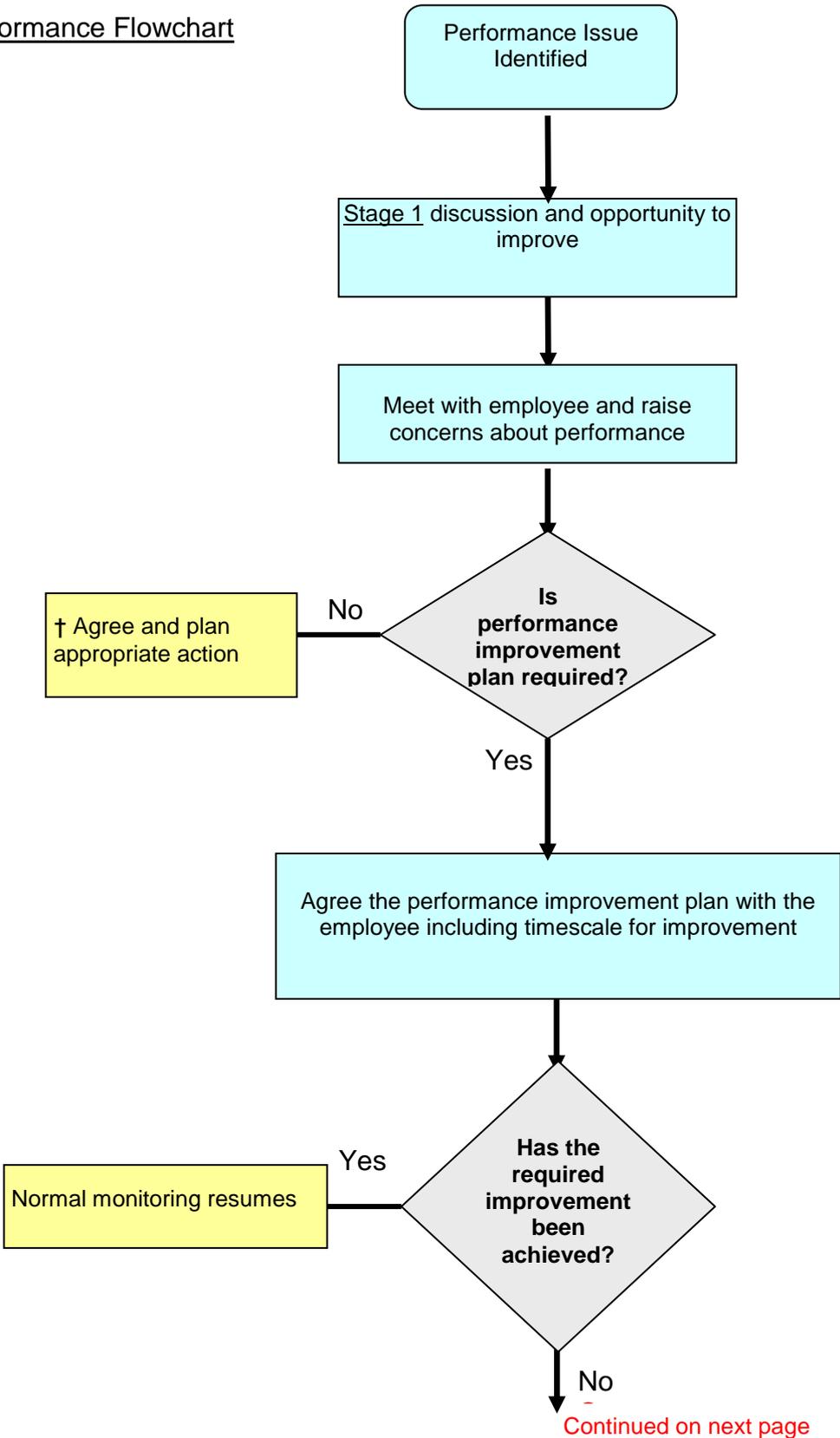
- Be prepared to overturn the previous decision of dismissal if it becomes apparent that it was not soundly based – such an outcome does not undermine authority but rather demonstrates the independent nature of the appeal.
- Listen carefully to both sides of the case and make a judgement as objectively as possible.
- Be satisfied that no unfair bias or prejudice affected the original decision.
- Consider whether any procedural deficiencies may have unfairly affected the outcome and disadvantaged the employee, where the employee raises this as part of the appeal.
- Consider whether any issues raised by the employee were properly considered by the manager who took the decision to dismiss.

Pay particular attention to any new matters that have come to light, whether this would have affected the outcome of the hearing and whether the employee had the opportunity to raise these matters at the hearing. The chair should ensure that the manager who took the decision to dismiss is given an opportunity to comment on these points.

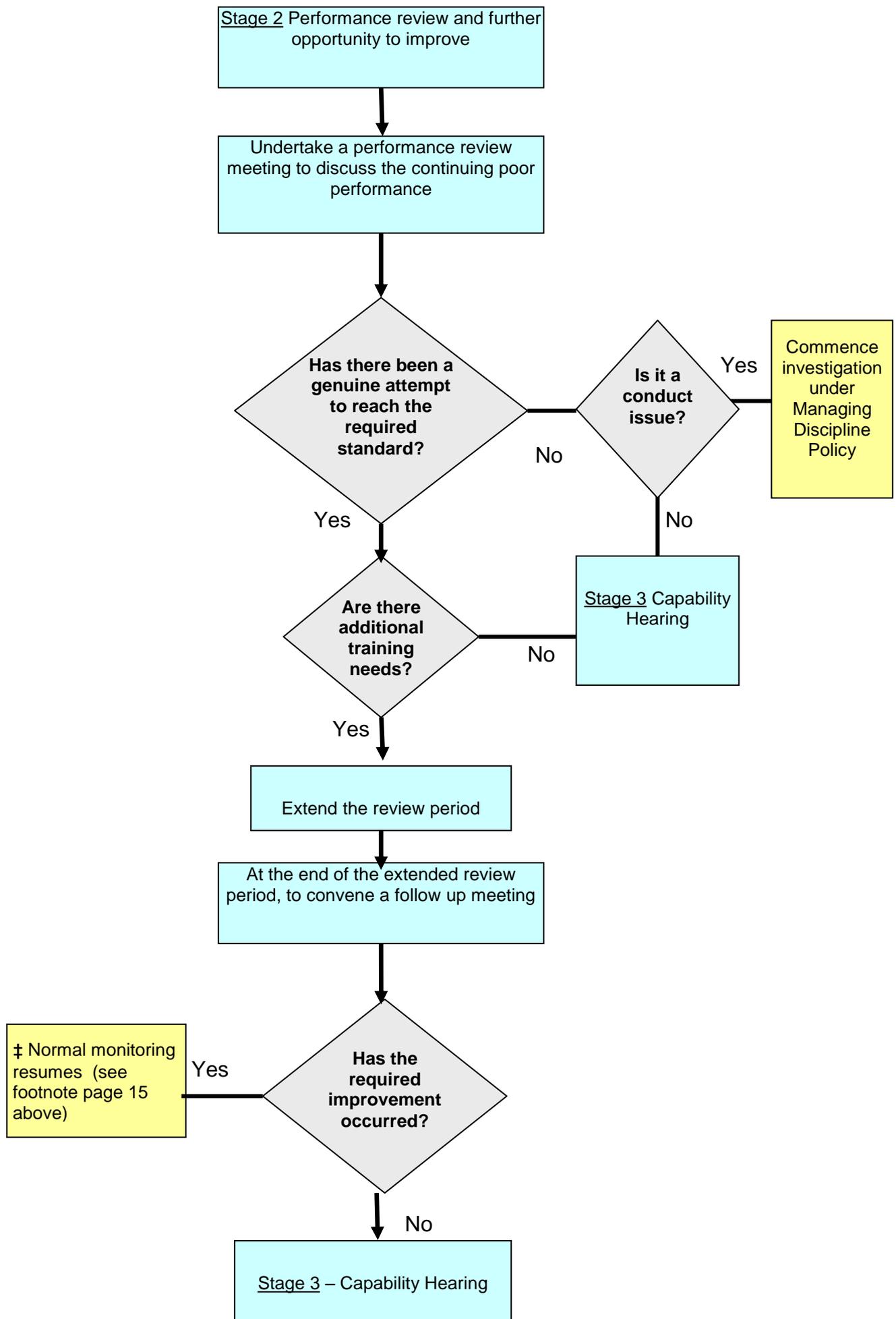
At a glance - How to manage performance

- All employees' performance will be monitored on a regular basis under normal management arrangements.
- Managers will ensure that all employees know and understand the performance standards expected of them.
- Managers will adopt a constructive and proactive approach when managing performance with early intervention when a performance issue arises, with this regarded as the informal part of the process.
- Where an employee's performance consistently falls below expected standards, where the informal approach has been unsuccessful, it will be necessary to apply the Managing Performance procedure.
- The procedure has three stages:
 - Stage 1 - Discussion and Opportunity to Improve
 - Stage 2 - Performance Review and Further Opportunity to improve
 - Stage 3 - Performance Capability Hearing
- A performance improvement plan may be agreed by the manager and employee at Stage 1.
- The employee will be given the opportunity to give a full response at each stage of the procedure, as to why they have been unable to achieve and maintain a significant improvement in their level of performance at work.
- The manager will explore all reasonable measures to assist the employee to improve their level of performance including providing reasonable support and training.
- Dismissal on grounds of lack of capability due to sustained poor work performance will be a distinct possibility for cases progressed to Stage 3 of the procedure.
- The right of appeal exists for an employee dismissed under the Managing Performance procedure.

Managing Performance Flowchart



† This could be, for example, where it is identified that an outside factor has affected the employee’s job performance which has been outwith their control and now requires to be addressed.



Performance Improvement Plan

Employee Name:		Service:	
Job title:		Line manager:	

Performance Issues	Required Improvement in Performance	Support / Training to be Provided	Timescale for Stage 1 Improvement	Timescale for Improvement at Stage 2

It is recommended that a weekly meeting is undertaken during the review period to be recorded below. Each of the above issues should be discussed in relation to progress in terms of the required improvement in performance, support and training and any other comments.

Review of Week (*Insert week number and date of meeting with the employee*)

(Summarise what has occurred in that week in relation to the Performance Improvement Plan)

Line Manager's Signature:

Employee's Signature:

Review of week (*Insert week number and date of meeting with the employee*)

(Summarise what has occurred in that week in relation to the Performance Improvement Plan)

Line Manager's Signature:

Employee's Signature:

Add the additional weeks of the review period on a separate sheet of paper (copy this page as the template).

Signed by Line Manger and employee that they agree the Performance Improvement Plan - to be completed on agreement of the plan at the beginning of the review period at Stage 1

Signed (line manager):

Date:

Signed (employee):

Date:

Outcome of Stage 1 - to be completed at the end of the review period at Stage 1

Tick one of the 2 boxes below

The review period has been successful and normal monitoring will resume.

Significant improvement in standard of work performance has not been achieved within the set timescale and the matter is progressed to Stage 2.

Signed (line manager):

Date:

Signed (employee):

Date:

To be completed at the end of the Performance Review Meeting (where the employee is being managed at Stage 2)

Tick one of the 3 boxes

Extend review period - where the employee has made a genuine attempt to reach the required standard following Stage 1. In this case, the Performance Improvement Plan will continue to be used.

Proceed to a Capability Hearing - where a genuine attempt has been made to reach the required standard but despite additional training and support at Stage 1 it is apparent that the employee has failed to meet or maintain the required standard.

Commence an investigation under Managing Discipline Policy/Procedure - where there is a reasonable belief that the poor performance is a conduct/attitude issue.

Signed (line manager):

Date:

Signed (employee):

Date:

Outcome of stage 2 - to be completed at the end of the review period agreed at the Performance Review and Further Opportunity to Improve Meeting (where the employee is being managed at Stage 2)

Tick one of the 2 boxes below

The extended review period has been successful and normal monitoring will resume.

The extended review period has not been successful - proceed to a Capability Hearing.

Signed (line manager):

Date:

Signed (employee):

Date:

Tips for completing the Performance Improvement plan and undertaking the weekly reviews:

- Ensure each issue and the required improvement is easily understood, measureable and as tangible as possible.
- If possible, break the overall target into interim realistic targets for each week within the plan, eg if an employee is currently managing approximately 60% of a task, perhaps ask them to achieve an improvement of 10% more each week until they could be expected to be up to the full 100%.
- Try to keep the list of performance issues to a minimum to make the plan meaningful and realistic, ie don't go beyond 4.
- Show, for each area of required improvement, what is being done to support the individual eg, training, mentoring, re-brief etc.
- Update the plan at the end of each of the weekly review meetings, with comments and book an appointment with the employee for the next weekly review.
- Save a dated and updated version for each meeting and print a copy for the employee – this also enables the employee to refer to it each week between meetings if needed.
- Both parties should sign the plan each week to confirm that both agree and understand the expectations.

Copy to : HR Service Centre (Personal File)

Record of Stage 2: Performance Review	
Part A – Preparation	
<p>Please ensure you have</p> <ul style="list-style-type: none"> • Updated the Performance Improvement Plan • Correctly communicated the reasons for the meeting and advised the employee of their right to be accompanied. 	
1. Employee details	
First Name: <input type="text"/>	Surname: <input type="text"/>
Job Title: <input type="text"/>	
Section: <input type="text"/>	Service: <input type="text"/>
Part B – The discussion	
<ul style="list-style-type: none"> • Express continuing concern over the employee’s work performance following the Stage 1 review period and go over what occurred during the Stage 1 review • Discuss and identify further support or training or other measure to assist the employee to improve their performance. • Reiterate that it is the employee’s responsibility to perform their job to the required standard and the effect their sub standard work performance is having on the service and how it may be impacting on colleagues and clients. • Continue with exploring and identifying the reasons behind the continued poor work performance, if these have not been fully identified. • Explain the consequences of failing to meet the necessary standard and that further action may be necessary. • Indicate that the Performance Improvement Plan will continue to be used at Stage 2 (where the review period is being extended). • Indicate that the counselling service can be contacted if the employee wishes to use that service, with details on the Zone under AskHR. 	

Part C

Outcome of Performance Review Meeting

- At the end of the performance review meeting the manager will decide on the outcome and inform the employee along with the reasons (this is then confirmed in writing). The manager will explain what happens next. Where the review period is extended the manager will indicate what the arrangements will be and that continued support will be provided.
- Ensure both the employee and manager note the length of the review period at Stage 2 (where Outcome 1 is being followed).
- Identify what steps the employee requires to take to bring about an improvement in work performance.

Part D

Outcome of review period at Stage 2 (where applicable)

Where Outcome 1 is being followed, i.e. to extend the review period, this section should be completed at the meeting held following the review period at the end of Stage 2. A brief summary of the discussion should be included along with the decision.

Line Manager's Name:

Line Manager's Job Title:

Line Manager's Signature:

Date:

Copy to: HR Service Centre (Personal File)

**Managing Performance
Capability Report**

1. Personal details

Employee Name:

Job Title:

Section/Service:

2. Documentary evidence (please attach)

- a) Performance Improvement Plan
- b) Record of Stage 2 Performance Review
- c) Other relevant evidence (including any submitted by employee)

3. Details of Performance

Provide a summary of the case to date, detailing the management concerns in relation to the employee’s work performance and the attempts made to address the issues. Also include what occurred during the review period at Stage 1 and where applicable, the review period at Stage 2.

4. Employee’s response

Outline the employee’s response to their ongoing work performance issues including any explanation given for their continued sub standard work performance, any barriers they put forward to them improving and any other relevant information.

Also include the employee’s response to the measures put in place by management to help them improve their work performance as well as any other suggestions they may have had.

5. Other

Include any other relevant information.

6. Decision

Outline your reason(s) for deciding that a performance capability hearing be arranged to consider whether dismissal on grounds of lack of capability is appropriate i.e. the key factors you have taken into account in coming to this decision.

7. Line manager details

Name: _____

Job Title: _____

Section/Service: _____

Signed: _____

Date: _____

MODEL LETTER OF INVITE TO STAGE 1 DISCUSSION

PERSONAL

Dear

Stage 1: Discussion – Managing Performance Procedure

I write to inform you that I have identified concerns in relation to the standard of your work performance and request that you attend a Stage 1 discussion with me under the Managing Performance procedure.

The purpose of the meeting will be to discuss the performance issues, ask you for an explanation and I will then decide how matters will be taken forward.

This may result in a Performance Improvement Plan being compiled to assist you to address any identified issues, which would be jointly agreed, with a review period then set to monitor your performance.

The discussion has been arranged for **<TIME>** on **<DATE>** in **<ROOM>** on the **< FLOOR and LOCATION>**.

You may, if you wish, be accompanied by a trade union representative or work colleague. Please confirm your attendance at the meeting and let me know if you wish to be accompanied and if so, by whom.

Yours sincerely

<NAME>
<JOB TITLE>

Copy to: HR Service Centre (Personal File)

**MODEL LETTER - OUTCOME OF STAGE 1 DISCUSSION AND SETTING
PERFORMANCE IMPROVEMENT PLAN**

PERSONAL

Dear

Outcome of Stage 1 Discussion and Setting Performance Improvement Plan

Please find enclosed a Performance Improvement Plan as agreed at our meeting.

You should be aware that if your performance does not improve to an acceptable standard during the <X> week review period, it is likely you will be moved into Stage 2 of the Managing Performance procedure.

In this event, you would be required to attend a Stage 2 Performance Review Meeting.

We will meet regularly to discuss your progress during the review period.

If you are eligible for a salary increment you should note that as you are now at stage 1 of the procedure, you will not receive your payment. This is in accordance with the Performance Review and Development scheme.

If you are eligible for a salary increment you should note that as you are now at stage 1 of the procedure, you will not receive your payment. This is in accordance with the Performance Review and Development scheme.

I trust this reflects the outcome of our meeting. If you have any queries, please do not hesitate to contact me.

Yours sincerely

<NAME>
<JOB TITLE>

Copy to: HR Service Centre (Personal File)

Encl.

MODEL LETTER OF INVITE TO STAGE 1 FOLLOW UP MEETING

PERSONAL

Dear

Follow up meeting after the Stage 1 review period – Managing Performance Procedure

I refer to the review period that was set at Stage 1 of the Managing Performance procedure in order for you to demonstrate a significant improvement in your work performance.

The review period ended on **<DATE>** and I write to invite you to attend a follow up meeting to discuss what occurred during the review period and to determine the next steps.

The meeting has been arranged for **<TIME>** on **<DATE>** in **<ROOM>** on the **<FLOOR and LOCATION>**. You may if you wish be accompanied by a trade union representative or work colleague. Please confirm your attendance at this meeting and let me know if you wish to be accompanied and if so, by whom.

<NAME>
<JOB TITLE>

Copy to: HR Service Centre (Personal File)

Note: This letter only applies where the outcome following the Stage 1 review period is that the employee's level of performance has sufficiently improved and has met the requirements set at the Stage 1 discussion.

MODEL LETTER – OUTCOME OF STAGE 1 FOLLOW UP MEETING

PERSONAL

Dear

Stage 1: Outcome of the review period at Stage 1 of the Managing Performance procedure

Following the Stage 1 discussion and the opportunity to improve, under the Managing Performance procedure, I note that the review period set for a significant improvement to occur in your work performance ended on **<DATE>**.

I write to confirm that I am satisfied that your level of work performance has sufficiently improved and has met the requirements set out at the Stage 1 discussion on **<DATE>**. You will move out of the procedure and normal monitoring of your performance will apply.

It is important that you make every effort to sustain this improved level of performance. If at any point during the next 12 months your performance returns to an unsatisfactory level, I have the option as your manager to move you back into the procedure, at the same stage where you left it.

I trust this explains the outcome of the review period at Stage 1 of the procedure.

Yours sincerely

<NAME>

<JOB TITLE>

Copy to: HR Service Centre (Personal file)

MODEL LETTER OF INVITE TO STAGE 2 MEETING

PERSONAL

Dear

Stage 2 Performance Review Meeting

Following the Stage 1 discussion and the opportunity to improve under the Managing Performance procedure, I note that the review period set for a significant improvement to occur in your work performance ended on **<DATE>**.

As you have not achieved a significant improvement in the standard of your work performance during the review period set at Stage 1, I have decided to progress matters to Stage 2 of the procedure.

I write to request that you attend a Stage 2 meeting, the purpose of which will be to discuss your performance during the Stage 1 review period and decide the way forward. There are three possible outcomes as detailed in the Managing Performance procedure (as attached).

The meeting has been arranged for **<TIME>** on **<DATE>** in **<ROOM>** on the **<the FLOOR & LOCATION>**. You may, if you wish, be accompanied by a trade union representative or work colleague. Please confirm your attendance at this meeting and let me know if you wish to be accompanied and if so, by whom.

Yours sincerely,

<NAME>
<JOB TITLE>

Copy to: HR Service Centre (Personal File)

Encl.

MODEL LETTER - OUTCOME FROM STAGE 2 MEETING

PERSONAL

Dear

Stage 2 Performance Review Meeting

I refer to the Performance Review Meeting you attended at Stage 2 of the Managing Performance Procedure held on **<date>**.

Following our discussion at the meeting I have decided to apply outcome <number of outcome>. *Detail outcome, ie 1, 2 or 3 as per the Managing Performance policy and procedure:*

The reason for my decision is

Please insert one of the three paragraphs below depending on the decision (tailor the wording where appropriate).

The review period for a significant improvement in your performance to occur will be extended for a period of **<number of>** weeks. I indicated to you the aspects of your work performance that required improvement and we referred to the Performance Improvement Plan, which has been updated following Stage 1 of the procedure. Appropriate management support and training will continue to be provided to you during the extended review period, as detailed in the Performance Improvement Plan.

If you achieve the required significant improvement in your work performance following the review period at Stage 2, you will move out of the Managing Performance procedure and normal monitoring of your work performance will apply.

If you do not achieve the required improvement in your work performance, matters will progress to Stage 3 of the procedure and you will be called to a Performance Capability Hearing where termination of your employment will be considered (although alternative options will also be examined).

As you have already been informed, if you are eligible for a salary increment you should note that as you are in the formal part of the Managing Performance policy/procedure you will not receive your increment. This is in accordance with the Performance Review and Development scheme.

OR

Matters will now progress to Stage 3 of the procedure and you will be called to a Performance Capability Hearing where termination of your employment will be considered (although alternative options will also be examined).

The manager who will chair the hearing will write to you in the near future to inform you of the date, time and location of the hearing.

OR

Matters will progress through the Managing Discipline policy and an investigation will be carried out. The manager who will chair the investigatory meeting will write to you in the near future to inform you of the date, time and location of the meeting.

I trust that this explains the outcome of the Stage 2 Performance Review Meeting.

Yours sincerely

<NAME>
<JOB TITLE>

Copy to: HR Service Centre (Personal File)

Note: This letter only applies where a review period was set following the Stage 2 Performance Review meeting (i.e. where Outcome 1 is being followed)

MODEL LETTER OF INVITE TO STAGE 2 FOLLOW UP MEETING

PERSONAL

Dear

Follow up meeting after the Stage 2 review period – Managing Performance Procedure

I refer to the review period that was set at Stage 2 of the Managing Performance procedure in order for you to demonstrate a significant improvement in your work performance.

The review period ended on **<DATE>** and I write to invite you to attend a follow up meeting to discuss what occurred during the review period and to determine the next steps.

The meeting has been arranged for **<TIME>** on **<DATE>** in **<ROOM>** on the **<'the FLOOR & LOCATION>**. You may, if you wish, be accompanied by a trade union representative or work colleague. Please confirm your attendance at this meeting and let me know if you wish to be accompanied and if so, by whom.

<NAME>
<JOB TITLE>

Copy to: HR Service Centre (Personal File)

Note: This letter only applies where a review period was set following the Performance Review meeting (ie where Outcome 1 is being followed)

MODEL LETTER - OUTCOME OF STAGE 2 FOLLOW UP MEETING

PERSONAL

Dear

Stage 2: Outcome of the review period at Stage 2 of the Managing Performance procedure

I refer to the follow up meeting held on <DATE> and

Please choose the relevant paragraphs depending on decision

P1. Performance improved

write to confirm that following the <X> week review of your performance, I am now satisfied that your level of performance has sufficiently improved and has met the requirements set out at the Stage 2 meeting on <DATE>. You will move out of the procedure and normal monitoring of your performance will apply.

It is important that you make every effort to sustain this improved level of performance. If, at any point during the next 12 months, your performance returns to an unsatisfactory level, I have the option as your manager to move you back into the procedure, at the same stage where you left it.

OR

P2 Insufficient Improvement refer to Stage 3

write to confirm that following the <x> week review period, you have not improved to the required standard of work performance and in line with the Managing Performance procedure I have decided to progress matters to Stage 3 of the procedure.

You are required to attend a Stage 3 Performance Capability hearing to be chaired by a Senior Manager who will consider all the facts. You should also be aware that a possible outcome of this hearing is dismissal from the Council's employment although alternative options will also be examined. You will be notified in writing of the date, time and location of this hearing, in due course.

I trust this explains the outcome of the review period at Stage 2 of the procedure.

Yours sincerely

Name
Job Title

Copy to: HR Service Centre (Personal File)

MODEL LETTER - INVITE TO PERFORMANCE CAPABILITY HEARING

PERSONAL

Dear

Stage 3: Performance Capability Hearing

I refer to the Performance Review meeting held on ___/___/___ by _____, concerning your unacceptable level of work performance.

As you are aware, your line manager set a review period for an improvement to occur in your performance during Stage 2 of the Managing Performance procedure. Now that the review period has ended, I have been informed by your line manager that the required improvement has **not** occurred. Your line manager has therefore decided, to progress the matter to a performance capability hearing at **Stage 3** of the Managing Performance procedure.

OR

As you are aware, your line manager decided to progress matters directly to a performance capability hearing at Stage 3 of Managing Performance procedure.

You are therefore requested to attend a performance capability hearing with me on ___/___/___ at _____ in _____.

You have the right to be accompanied at the hearing by a trade union representative or work colleague. I will chair the hearing and will be accompanied by an HR Adviser. Your line manager will also attend to present a report on your performance.

I have to inform you that the purpose of the hearing is to consider whether it is appropriate to terminate your employment on grounds of lack of capability due to sustained poor work performance and due to you being unable to fulfil your contractual responsibilities as a result of your performance. You should be aware that termination of your employment is being contemplated and could be an outcome of the hearing. All reasonable options will be considered at the hearing as an alternative to dismissal.

You will be given the opportunity at the hearing to provide a full response as to why you have been unable to attain an acceptable standard of work performance.

I intend to conduct the performance capability hearing using the following procedure:

1. I will explain the purpose and format of the hearing and deal with any procedural issues that may arise.

2. I will then ask the manager who conducted the Stage 1 and 2 meetings to present a report on your work performance and on the content of the meetings and review period(s), including the measures taken to assist you to improve your work performance.
3. I will ask the manager to explain why they considered it necessary to progress matters to Stage 3 of the procedure, meaning that termination of employment on grounds of lack of capability due to sustained poor performance is being contemplated.
4. You and/or your companion will then have the opportunity to ask any questions of the manager
5. I will then ask you to respond and to present your case.
6. I will consider your response, any suggestions you put forward and any other information you present.
7. My colleague and I will then ask any questions of you and the manager and there will be an opportunity for a general discussion during which both you and the manager can raise relevant issues not covered earlier.
8. You will be given the opportunity to conclude your response by highlighting any aspects you consider to be particularly relevant or anything further in support of your case.
9. I will allow adjournments during the course of the hearing where I deem they are necessary.
10. At the end of the hearing an adjournment will occur. During the adjournment, I will consider all relevant issues that emerge from the hearing. I will then decide whether termination of employment on grounds of lack of capability due to sustained poor performance is appropriate or whether another course of action will be followed.
11. I will then notify my decision to you in writing, along with the reasons for arriving at that decision. I would hope to reach a decision within 24 hours of the hearing although the length of the adjournment will, of course, depend on the issues that I need to consider.

You are expected to take all reasonable steps to attend the hearing as arranged. I have to advise you that should you, in my view, fail to attend the hearing without good and sufficient reason it is likely that the hearing will proceed and a decision will be taken in your absence.

If the companion you select is unable to attend on the above date you have the opportunity to suggest another date. This alternative date must suit everyone involved and be no more than five working days after the original date – otherwise you will have to select another companion or attend the hearing unaccompanied.

I have enclosed a copy of the performance capability report completed by your manager which includes any additional evidence to which they will be referring to at

the hearing. If you would like to submit any further information in support of your case, then you should forward this to me at least 24 hours in advance of the hearing.

Please telephone me as soon as possible to confirm that the above date and time for the hearing is suitable and whether you will be accompanied and, if so, by whom.

I trust this satisfactorily explains the stage you are at in the procedure.

Yours sincerely

NAME OF OFFICER CONDUCTING MEETING

Copy to: HR Adviser
 HR Service Centre (Personal File)

Encl.

MODEL LETTER DECISION TO DISMISS**PERSONAL**

Dear

Confirmation of termination of employment on grounds of lack of capability due to sustained poor performance

I refer to the performance capability hearing held on ___/___/___ in the presence of _____.

The purpose of the hearing was to consider whether it was appropriate to terminate your employment on grounds of lack of capability due to sustained poor performance and your inability to satisfactorily comply with your contractual responsibilities as a result or whether an alternative course of action could be followed.

At the hearing your line manager was asked to present a report on your work performance.

The main issues covered by your line manager were as follows:

- 1.
2. *(To insert the issues covered by the line manager.)*
3. etc.

You were then given the opportunity to provide a full response as to why you had been unable to achieve and maintain an acceptable level of work performance. A summary of your response was as follows:

- 1.
2. *(To insert a summary of the employee's response.)*
3. etc.

Decision to terminate employment

I gave full consideration to the issues raised during the course of the hearing, from both you and your line manager, and decided on the basis of the information presented, that termination of your employment was the most appropriate outcome.

I write to confirm my decision that your employment be terminated on grounds of lack of capability due to sustained poor work performance with effect from ___/___/___.

Reasons for decision to terminate employment

My reasons for arriving at this decision and the main factors I took into account were:

Insert the reason(s) for the decision and the factors taken into account.

Date of termination of employment and notice entitlement

Delete one option I confirm your last day of service with the council as __/__/__. You will receive __ weeks' pay in lieu of the amount of notice to which you are contractually entitled. **Or** You are contractually entitled to <x>weeks' notice of termination of employment and you will be required to work during this period of notice with your last day of service with the Council being ?/?/?.

Payment for any outstanding monies will be made to you as soon as possible and you are required to return the following items issued to you by the council (*list any such items, e.g. ID badge, keys, protective clothing, etc.*).

Your right of appeal

You have the right to appeal against this decision if you consider that:

- The outcome of the hearing was in some way unfair or incorrect **or**
- Where new and relevant matters have emerged that may affect the decision **or**
- Where there have been significant defects in the procedure that has been followed that have disadvantaged you

Should you consider you have grounds to appeal against the decision to terminate your employment, you can choose to either have your appeal heard by a senior manager or by the Appeals by Employees Committee.

If you wish to have your appeal heard by a senior manager then you must register your appeal in writing to the Director of (*service and address*) within **10 working days** of receipt of this letter. If you choose to have your appeal heard by the Appeals by Employees Committee then you must register your appeal in writing to the Director of Corporate Governance, Level 2 West, Business Hub 12, Second Floor West, Marischal College, Broad Street, Aberdeen, AB10 1AB, within **10 working days** of receipt of this letter.

In both cases, your notice of appeal must state the grounds on which your appeal will be based so must set out in sufficient detail:

- Why you consider the decision to terminate your employment to be unfair or incorrect
- Any new and relevant matters that have come to light that were previously not known about
- Why you consider that the Managing Performance procedure was not used correctly and how you were unfairly disadvantaged because of this

You have a right to be accompanied at any such appeal hearing.

Yours sincerely,

NAME OF OFFICER CONDUCTING MEETING

Copy to: HR Adviser
 HR Service Centre (For action and Personal File)

MODEL LETTER OF INVITE TO APPEAL HEARING**PERSONAL**

Dear

Notice of appeal hearing

You have appealed against the decision to terminate your employment on grounds of lack of capability due to sustained poor performance. I have been nominated to hear the appeal and the arrangements will be as follows:

Date and time of appeal

On __/__/__ (date/time) at _____ (location).

Format of the appeal hearing

I intend to conduct the appeal hearing using the following procedure:

1. I will explain the purpose and format of the hearing and deal with any procedural issues that may arise
2. I will then ask you to state your grounds and reasons for the appeal, highlighting whether any new matters or evidence have come to light that are relevant to the case
3. I will then ask the officer who took the decision to terminate your employment to respond
4. I will question both the officer who took the decision and yourself. My assisting colleague(s) may also ask questions as a means of clarifying matters
5. I will give both parties the opportunity to make a closing statement, firstly the officer who took the decision, then yourself
6. I will allow adjournments during the course of the hearing where they are necessary
7. At the end of the hearing, I will adjourn the meeting
8. During this adjournment, I will consider all of the relevant issues that have emerged from the hearing and make my decision

9. I will then reconvene the meeting and announce my decision, along with the reasons for arriving at that decision. I will confirm my decision in writing

Potential outcome of the hearing

I will carefully consider your grounds for appeal, and the response made by the officer who took the decision to terminate your employment, and then decide whether there are sufficient and reasonable grounds to either:

- (a) Uphold the appeal in full, in which case you would be reinstated; or
- (b) Reject the appeal, in which case the decision to terminate your employment would stand.

Your right to be accompanied

You have the right to be accompanied by a trade union representative or work colleague if you so wish. Please note that the procedure does not allow you to be accompanied by your partner, a spouse or a legal practitioner.

I will be accompanied by *(name of HR Adviser)*.

The decision of this appeal hearing is final and there is no further right of appeal.

Confirming your attendance

Please telephone me as soon as possible to confirm that the above date and time for the hearing is suitable and whether you will be accompanied and, if so, by whom.

Yours sincerely

NAME OF OFFICER CONDUCTING MEETING

Copy to: HR Adviser
 HR Service Centre (Personal File)

MODEL LETTER OF CONFIRMATION OF OUTCOME OF APPEAL**PERSONAL**

Dear

Confirmation of Outcome of Appeal Hearing

On ___/___/___ (*date of letter*), you appealed against the decision of the Performance Capability Hearing that your employment be terminated on grounds of lack of capability due to sustained poor performance.

I heard the appeal on ___/___/___ (*date of hearing*) in the presence of _____ (*names of officers present, including companions if applicable*).

I reconvened the appeal hearing on (*date of hearing*) to announce my decision. This letter confirms my decision.

Outcome of appeal hearing

Having given full consideration to the issues that emerged during the course of the appeal hearing, I write to confirm my decision, namely that the decision to terminate your employment *stands* / is revoked** (*specify if no action is to be taken or what the alternative action is if that is to apply*) .

Reasons for my decision

My reasons for arriving at this decision are, and the factors that I considered relevant were:

(To insert reasons and relevant factors)

You have now exercised your right of appeal under the Council's Managing Performance procedure and my decision is final.

Yours sincerely,

NAME OF OFFICER CONDUCTING MEETING

Copy to: (HR Service Centre) Personal File
HR Adviser