

## Performance Improvement (Capability) Policy and Procedure

### Introduction

Cotswold District Council prides itself on being an employer of choice. With an incredibly varied role in delivering the very best for our residents, communities and businesses, our employees are committed and really make a difference.

As such we seek to support and empower our employees to be motivated to deliver their best. Continuous improvement and learning is incredibly important for all of us and is actively supported. So too is our value of delivering services to a consistently high standard. We do this through a variety of ways, including one to ones, team meetings, setting work-based objectives that include our strategic and operational priorities. Performance management should be a continuous cycle, not an isolated event. Employee objectives should be reviewed and amended in line with changing organisational priorities, and feedback and reviewing performance should be a regular occurrence.

Sometimes, however, for a number of reasons, performance may fall below an acceptable level. This policy should be used when improvements in performance are not achieved following informal discussions and regular feedback. Its purpose is to provide a framework for resolving poor performance in a fair and supportive manner.

Where poor performance is believed to be the result of unacceptable behaviours, or where serious errors have been made to the detriment of CDC, we may decide to use our disciplinary procedure instead.

Where it is not possible to hold a face-to-face meeting under this procedure, we will conduct the process remotely. We will ensure that you and your representatives have access to the necessary technology for participating. Your rights will not be affected, and we will ensure that the procedure remains fair and reasonable.

We will take a written record of all meetings conducted under this procedure. This will be done either by the person holding the meeting, a member of the HR Team or by an additional person arranged by us to take notes. We may digitally record any meeting conducted remotely under this procedure, provided that all parties agree. We will ensure that any such recording is made in line with our data protection obligations.

### Stage 1 - Informal Meeting

Your line manager will inform you of the nature of the problem and confirm this in writing. You will be invited to an informal meeting to discuss concerns regarding your performance. The meeting will be conducted by your line manager.

Following the informal meeting, your line manager may choose to:

- take no further action
- refer the matter for investigation under the disciplinary procedure or
- issue guidance to you on what you need to do to improve your performance. For example, timekeeping, setting objectives etc. and agree a reasonable timescale within which improvement is

expected. A review meeting will be held after the agreed time has elapsed to assess if there has been sufficient improvement.

## Stage 2 - Performance Improvement Meeting

Where stage 1 does not lead to a satisfactory improvement in your performance, you will be invited to a performance review meeting.

The purpose of this meeting is to discuss your performance and decide what measures should be taken to help you to improve your performance to an acceptable level. The meeting will be conducted by your line manager. You have the right to be accompanied by a work colleague or Trade Union representative or official.

At the meeting, you will be given an opportunity to ask questions, comment on the issues and put forward any explanation you may have for the matters identified by your line manager as amounting to poor performance.

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; or
- the implementation of a performance improvement plan (see below).

Where the decision is made to carry out further investigation under the disciplinary procedure, we will provide you with the reasons for such action.

### Performance Improvement Plan

A performance improvement plan (PIP) is a series of measures designed to help you to improve your performance. We will seek to agree each measure with you but reserve the right to insist on any aspect of the performance improvement plan if agreement cannot be reached.

Each plan will be tailored to the particular situation but will cover the following elements and will be recorded in a Performance Improvement Plan (PIP): ([hyperlink to the management portal](#)). The plan will take into consideration any reasonable adjustments the employee may need and the provision of additional support, for example IT providing a screen to support a neurodiverse employee with reading on screen.

### Targets

The PIP will cover the particular areas in which improved performance is needed and state the criteria on which your performance will be assessed. Where appropriate, we will set specific targets that will need to be achieved either by the end of the plan or at identifiable stages within it. The PIP will form the basis of the ongoing discussions with you and will be an active management record in determining if the required acceptable performance standards have been reached.

### Timescale

The overall timescale in which the necessary improvement must be achieved should be agreed with the individual and followed up in writing. Whilst timescales may be variable, they should be realistic in terms of the task that has been set and achievable with the right support. We envisage that no performance improvement plan (PIP) should last beyond six months, unless there is good reason for it and your manager will seek guidance from the HR Business Partner throughout the process, if required.

## Measures

The measures we will take to support you in improving your performance. This may include:

- training
- additional supervision
- the reallocation of certain duties and
- the provision of additional support from your colleagues. This may include coaching or mentoring from a colleague or manager or external support such as an Access to Work Assessment and the implementation of recommendations as far as feasible.

## Feedback

You will be given regular feedback from your line manager indicating the extent to which you are on track to deliver the improvements set out in the plan.

If, at any stage during the plan, your line manager feels that your performance is not progressing in a satisfactory way, a further meeting may be held with you to discuss this, and where appropriate, your plan may be amended and/or extended.

## Review

At the end of the plan, typically no longer than six months, your performance will be reviewed. If satisfactory progress has been made, we will confirm this in writing. If your line manager feels that satisfactory progress has not been made, your performance improvement plan (PIP) may be extended and/or amended by a further three months. Alternatively, you may be asked to attend a formal hearing under stage 3 of this procedure (see below).

## Ongoing review

Following the successful completion of a performance improvement plan, your performance will continue to be monitored. If, at any stage during the following 12 months, your performance again starts to fall short of an acceptable standard, your line manager may decide to initiate stage 3 of this procedure. The informal stage includes a review period and close supervision to help support you as we would like to see you achieve a satisfactory improvement in your performance.

## Stage 3 - Formal Hearing

Where stage 2 does not lead to a satisfactory improvement in your performance, you will be invited to a formal performance management hearing.

You will be informed in writing of the grounds on which the hearing is being convened. The letter will set out sufficient information and examples of why your line manager believes your performance still falls short of an acceptable standard.

The hearing will be conducted by a suitable manager or delegated person. You will be entitled to be accompanied by a fellow employee or a trade union official.

At the hearing, you will be given an opportunity to ask questions, comment on the issues and to put forward any explanation you may have for the matters identified by your line manager as amounting to poor performance.

The outcome of the meeting may be a decision to:

- take no further action
- refer the matter for investigation under the disciplinary procedure
- possible redeployment
- institute another performance improvement plan or
- issue a formal warning
- Or if appropriate, ill health retirement may be considered, if you are permanently unable to do your job, and you are not immediately capable of undertaking gainful employment.

A formal warning will be issued if it is concluded that reasonable steps have been taken that should have allowed you to perform to an acceptable standard, but that these measures have not succeeded. The warning will explain the nature of the improvement required in your performance and state the timescale for making these improvements. It will also explain that, if the necessary improvement does not take place, you may be dismissed.

The warning will remain current for a period of 12 months, after which it will cease to have effect.

Where you are issued with a formal warning in accordance with this procedure, you will have a right of appeal.

#### Stage 4 - Dismissal Hearing

If you have been issued with a warning under stage 3 that remains live and your line manager believes that your performance is still not acceptable, the matter may be referred to a performance dismissal hearing.

You will be informed in writing of the grounds on which the hearing is being convened. The letter will set out sufficient information and examples of why your line manager believes your performance still falls short of an acceptable standard.

The hearing will be conducted by a senior manager or another delegated person. The employee will be entitled to be accompanied by a fellow employee or trade union representative or official.

At the meeting, you will be given an opportunity to ask questions, comment on the issues and to explain any issues around your performance or mitigating circumstances.

The outcome of the meeting may be:

- a decision to take no further action
- the issuing of another performance management warning
- an offer to redeploy the employee to alternative work or
- a decision to dismiss the employee.

Any offer to redeploy you will be entirely at our discretion. Such an offer will be made only where we are confident that you will be able to perform well in the redeployed role. It will only be offered as an alternative to dismissal in circumstances where we are satisfied that you should no longer be allowed to continue to work in your current role. While you are free to refuse any offer of redeployment, the only alternative available will usually be dismissal.

If we believe that there is no alternative role available and suitable for you and that you have not met an acceptable standard of performance, you may be dismissed. A decision to dismiss will only be taken by a senior manager who has the authority to do so.

The decision to dismiss together with the reasons for dismissal will be set out in writing and sent to you. Any dismissal will be with full notice, or a payment in lieu of notice.

Where you are dismissed in accordance with this procedure, you will have a right of appeal.

### Appeal

You have a right of appeal against a sanction issued under stages 3 or 4 of this procedure. A request for an appeal should be sent in writing to a senior manager within five working days of being informed of the sanction. Your letter should set out the grounds on which you believe that the decision was flawed or unfair.

An appeal hearing will be convened to consider the matter. It will be chaired by a senior manager or delegated person. You will be entitled to be accompanied by a fellow employee or a trade union official.

At the hearing, the decision to impose the sanction will be reviewed and you will be entitled to make representations about the appropriateness of that decision.

The result of the hearing will be either to confirm the sanction or substitute an outcome that was available to the panel conducting the hearing at which the sanction was imposed on you.

The outcome of the appeal will be confirmed to you in writing, usually within seven working days, explaining the grounds on which the decision was reached. The outcome of the appeal will be final.

### Right to Representation

At any formal meeting you have the right to be represented by a work colleague or a Trade Union representative. However, consideration will be given to another person in exceptional circumstances.

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