

PERFORMANCE AT WORK POLICY

INTRODUCTION

Poor performance should be tackled in a manner which is consistent and equitable throughout the organisation and which ensures that employees are treated in a supportive and fair manner.

The aim of this policy is to provide guidance and step by step advice in dealing with poor performance resulting from a lack of ability, skill or experience. It is not appropriate to deal with problems caused by ill health by means of these guidelines; such matters should be dealt with through the Sickness Absence Procedure. Neither is it appropriate to apply these guidelines to poor performance which is attributable to negligence or a wilful refusal by an employee to carry out duties satisfactorily; this should be regarded as a matter of conduct for which some form of disciplinary action would be more appropriate.

SCOPE OF POLICY

This policy applies to all employees working at all levels and grades within Tayside Contracts with the exception of the Managing Director who is covered by a separate procedure.

GUIDELINES

These guidelines should operate within an environment which acknowledges that performance should be regularly monitored, that employees should endeavour to achieve and maintain a satisfactory level of performance in their work, should be aware of the standards expected of them and, where practicable, should be given appropriate training and support to meet these standards.

Step 1

The manager should be satisfied that:

- There has been regular discussion with the employee on where the employee is failing to achieve a satisfactory level of performance.
- Any shortfall in performance is not due to unreasonable exceptions or a proper lack of explanation on the part of management.
- Assistance and support has been provided to the employee through e.g. supervision or suitable training.

Should the employee still not attain a satisfactory level of performance following the above the manager should move to Step 2 by arranging a formal interview.

Step 2

The formal interview will aim to:

- Remind the employee of earlier discussions and of steps taken to facilitate improvement.
- Outline to the employee the areas in which performance is unsatisfactory.

- Give the employee an opportunity to explain.
- Where the reason for the poor performance is a lack of required skills, wherever practical offer assistance to the employee e.g. closer supervision, training.
- Advise the employee that the performance is not conducive to the efficient and effective operation of the service.
- Give encouragement to the employee and give a reasonable period of time in which to reach the required standard. In deciding what is 'reasonable' account should be taken of the job and the areas in which an improvement in performance is required.
- Advise the employee that should performance not meet the required standards within the time period that consideration will be given as to whether the employee can remain in that job.

Step 3

Should the employee's work performance not improve to a satisfactory level within the predetermined time period a second formal interview will be arranged. This interview will generally follow the same format as the first interview and may result in:

- The employee being granted a further or final period for work performance to improve to a satisfactory level and being advised, if after a final period, that if no such improvement is forthcoming either suitable alternative work will be offered if available, or the employee will be dismissed.
- The employee being offered alternative employment. Any such offer would be made in writing explaining why it is being made and the consequences of refusing it (see below).
- If no offer of alternative employment can be made (or has been made as above and rejected) the dismissal of the employee on the grounds of incapability. Such dismissal would generally be with notice during which period suitable alternative work would be sought. The employee would not be required to work the notice period.

In operating these guidelines it should be noted that:

- Each employee should be treated in accordance with their own individual circumstances which may require a variation from the guidelines e.g. the employee themselves requesting alternative employment.
- Should it be considered that the employee's work performance has improved to a satisfactory level the employee should be advised accordingly. The employee's work performance however would continue to be regularly monitored in line with other employees.
- A representative from HR Services will be present at any formal interview which may lead to an offer of alternative employment/dismissal and may be present at all other interviews.
- An employee will have the right to be accompanied by a trade union representative or fellow employee during a formal interview.

- Following the completion of each formal interview a letter will be issued to the employee within 10 working days confirming the outcome of that interview.

RIGHT OF APPEAL

An appeal may be lodged against a decision to dismiss. Should an employee wish to exercise this right this must be done in writing within 14 calendar days of receiving written confirmation of the outcome of the interview where the decision was made to dismiss.

All appeals will be heard in the first instance by the Managing Director or his nominated representative and the outcome of the appeal will be confirmed in writing within 14 days of the date of the Hearing.

Should an appeal against dismissal not be upheld the employee may submit a final appeal by writing to the Managing Director within 14 days of receipt of written confirmation of the outcome of the initial appeal. The Managing Director will arrange for this final appeal to be heard by an Appeals Sub-Committee, comprising elected members of the Tayside Contracts Joint Committee.

At an Appeal Hearing the employee has the right to be represented or accompanied by a trade union representative or a work colleague of their choice. It is the responsibility of the employee to arrange the attendance of their representative.

A representative from HR Services will be in attendance at all Appeal Hearings and will present Tayside Contracts' case in those appeals heard by the Appeals Sub-Committee. The decision reached at Appeals Sub-Committee is final.

RELATED POLICIES

The Performance at Work Policy links to the following policies which can be accessed on the Intranet, or requested from your line manager or from the HR Admin Team:

- Disciplinary Policy
- Sickness Absence Management Policy

POLICY REVIEW

The Performance at Work Policy will be reviewed at three yearly intervals, or as required by legislative changes.

GENERAL DATA PROTECTION REGULATION

Tayside Contracts respects the privacy of our employees, any personal data processed during the application of this policy will be in line with Data Protection Legislation. Further information on how we may process personal data for the purpose of applying this policy can be found in our Privacy Notice.

Should you have any queries or require further clarification regarding any aspects of this policy or related policies please contact, HR Services on 01382 812721 or employment.policies@tayside-contracts.co.uk

If you would like this document translated into another language or in another format such as audio or large print then please contact Angie Thompson, Equalities and Communications Manager on 01382 834165 or angie.thompson@tayside-contracts.co.uk