



2.3 DEALING WITH UNDERPERFORMANCE

1.0 POLICY STATEMENT

- 1.1 Gwynedd Council is committed to provide high quality public services to the residents of Gwynedd. In order to enable it to provide those services it is essential that the Council gives regular support to its workforce so that it performs to its full potential. This involves fostering a culture of continuous improvement in which every individual employee takes responsibility for his/her own performance.
- 1.2 In order to support this culture and drive performance improvement, the Council has in place a corporate performance management framework and a corporate appraisal system. These structures enable employees to understand how their performance contributes to achieving the Service's objectives and therefore contribute to the continuous improvement process.
- 1.3 In this context, the Council recognises that the majority of employees will be performing to at least an acceptable level. However, there will be some circumstances where individual employees fail to perform to the required standards. This policy for Dealing with Underperformance explains how the Council will deal with such situations with the overall objective of helping an individual to achieve and maintain the acceptable performance standards.
- 1.4 The primary aim of this policy is to provide line managers with a framework for assisting employees who do not perform to a satisfactory level in line with corporate standards. It will be used to identify problem areas and agree steps with the employee to redress the identified problems.
- 1.5 Underperformance issues will not be ignored. Line managers will deal with such issues in a quick and efficient manner. All timescales will be adhered to so as to ensure minimum discomfort and disruption to the relevant parties and to try and ensure that the employee is performing to the expected standards as soon as possible.

- 1.6 The policy will be applied in a fair, systematic and consistent manner, irrespective of age, race, religion or belief, sex, sexual orientation, disability or nationality.
- 1.7 **This policy will not be used to deal with situations concerning the medically certified long-term sickness absence of an employee. A specific procedure has been produced to deal with such situations, as provided in the Sickness Absence Management Procedure.**
- 1.8 The policy is in keeping with all of the relevant legislation, including the Employment (Dispute Resolution) Regulations 2004 and the Equality Act 2010.

2.0 THE PERSONS TO WHOM THIS POLICY APPLIES

- 2.1 This policy will apply to all employees, with the exception of Heads of Department, Strategic Directors, the Chief Executive and staff who are regulated by School Governors.

3.0 GENERAL PRINCIPLES

- 3.1 This Dealing with Underperformance Policy aims to ensure that line managers:
- establish clear performance criteria
 - monitor performance
 - are consistent in how employees with widely differing responsibilities and duties are given opportunities to attain and maintain satisfactory levels of performance
 - provide assistance, in consultation with the Personnel Service, to those who are not performing to the acceptable standards, through the identification of the most appropriate form(s) of support and providing that support
- 3.2 If no progress can be seen in the employee's performance, any possible consequent action will be based on:
- adequate evidence that the employee is incapable of performing his/her duties to an acceptable standard
 - a fair procedure, which establishes the reasons for underperformance
 - the fact that the employee was given all reasonable assistance to overcome their underperformance
- 3.3 In order to minimise the risk of underperformance, the Council, in accordance with the relevant policies, will recruit, appoint and train its

workforce with the utmost care, as well as ensure that staff who are on a trial period are assessed based on performance.

- 3.4 Line managers are responsible for creating the circumstances in which all employees can perform to the expected standards. The managers will also be responsible for providing the necessary support to assist employees in achieving their full potential through supervision and feedback. This includes ensuring that the employees in their care are equipped with the necessary skills, information and equipment to perform their duties.
- 3.5 Various factors outside and within the control of the employee may hinder or prevent satisfactory progress in performance. This policy will consider all or some of the following factors:

Factors outside the employee's control

- Poor quality management
- Job design
- Work environment
- Personal circumstances (e.g. short illness, personal problems)

Factors that can be within the employee's control

- Lack of effort
 - Lack of skills
 - Lack of ability
 - Unacceptable behaviour
- 3.6 If underperformance is identified, the line manager will deal with the problem by considering the following options. The action taken will depend entirely on the factor affecting the employee's performance.
- Counselling
 - Mentoring
 - Training or Retraining
 - Redeployment
 - Disciplinary Procedure
 - Underperformance Hearing Panel

4.0 FORMAL STRUCTURES FOR SETTING STANDARDS OF PERFORMANCE AND DEALING WITH UNDERPERFORMANCE

- 4.1 The Council has in place formal structures to deal with performance issues. These structures underpin and support the duties of line managers

of allocating work, monitoring performance, drawing attention to errors and poor quality as well as praising high quality work. They also support the Council's Dealing with Underperformance Procedure.

- 4.2 When an employee is appointed to a post with the Council for the first time, he/she will undertake an induction period over the course of the first 6 months of employment. During the employee's first few days in the new post, the line manager will ensure that the individual is fully aware of, and understands, the performance standards required of him/her to carry out their duties effectively. The line manager will reinforce this process during the whole of the induction period by assessing the employee's performance on a regular basis.
- 4.3 In addition, all new employees will follow a corporate induction programme which will provide them with information concerning the general performance levels expected by the Council. All new employees will attend this programme during their first few months of employment with the Council.
- 4.4 All employees are held responsible for the standard of work that they produce and therefore the quality of services provided by the Council.
- 4.5 The performance of all employees will be formally discussed during the annual performance and improvements appraisal meeting. This meeting will take place between the individual employee and his/her line manager. This meeting enables the employee to discuss his/her contribution to the Service's performance with his/her line manager. This includes discussing the strengths and weaknesses of the employee and agreeing on performance improvement targets for the future. This process will be a cornerstone of this Dealing with Underperformance Policy in that it will provide a formal opportunity for the line manager to reinforce the performance standards expected of the employee, for discussing the performance of the past year, and for setting performance improvement targets for the forthcoming year.
- 4.6 As part of the Council's performance and improvements appraisal scheme, line managers will conduct a formal review of all employees' performance every six months.

5.0 FORMAL UNDERPERFORMANCE HEARING

- 5.1 When a decision is made to hold a Formal Underperformance Hearing, the hearing should be arranged as soon as possible. The employee and his/her representative should be given a written warning, providing details regarding the date, time and location, along with any copies of documents that will be used as part of the hearing. The letter should warn the

- employee that the hearing could lead to dismissal following a period of notice.
- 5.2 The Head of Department will chair the hearing and a Manager from the Service and a Human Resources Adviser will serve as members of the Panel. The line manager will submit the case, the employee and his/her representative will have an opportunity to ask questions following that submission and then, the employee will have an opportunity to submit the case from his/her perspective. The Head of Department, Manager from the Service and Human Resources Adviser will ask any questions arising from either side, and witnesses can be called as required.
- 5.3 When reaching a decision, the options available to the Underperformance Hearing Panel will include:
- not to take any further action
 - setting further targets and reviewing within a reasonable specific period of time
 - deducting an incremental point
 - redeployment when practically possible
 - downgrading
 - dismissal with notice
- 5.4 The hearing will be adjourned as the Head of Department, a Manager from the Service and the Human Resources Adviser consider the evidence and reach a decision. Then, everyone will reconvene and the employee and his/her representative will be informed of the decision, and, if appropriate, advice on the right to appeal. If a decision is made to dismiss the employee, the agreed notice will be issued with the dismissal.
- 5.5 The Head of Department will provide written confirmation of the hearing's decision to the employee within five working days.

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