



MILKOM TOWN COUNCIL – PERFORMANCE IMPROVEMENT POLICY AND PROCEDURE

Adopted: 29th January 2025

Review Date: January 2027

PURPOSE AND SCOPE:

This procedure is designed to help and encourage employees to achieve and maintain standards of job performance which are acceptable to the council. The aim is to ensure consistent and fair treatment of all.

This document:

- Supports both the council and employees to bring about positive changes in work performance and attitude, when needed, and
- Explains how the council will deal with instances of performance that fall below its standards, in a fair and consistent way

It applies to all staff following successful completion of a probationary period, whether fulltime, part time or temporary. It does not apply to volunteer or agency staff.

PRINCIPLES:

- Informal coaching and supervision will be considered to improve performance
- No formal warnings will be given until the causes of poor performance have been considered
- For formal warnings employees will be advised of the nature of the poor performance and will be given the opportunity to state their case at a formal performance improvement meeting before any decision is made
- Employees will be provided, where appropriate, with copies of examples of poor performance in advance of a formal performance improvement meeting
- At all formal stages of the procedure employees will have the right to be accompanied by a fellow employee or other they wish to accompany them
- Employees will have the right to appeal against any formal warnings issued

Where poor performance is believed to be the result of deliberate negligence, or where serious errors have been made to the detriment of the council, the council may decide to use its disciplinary procedure instead.

INFORMAL FEEDBACK:

Before this procedure is engaged, employees will receive feedback setting out the concerns about their performance and how it must improve. This procedure is

designed to be used when such informal discussions do not lead to an improvement in their performance to an acceptable level.

PROCESS:

Where informal discussions have not led to an improvement in performance, the council will follow the following procedure:

First Stage of Formal Procedure – first written warning:

Employees will be invited to a formal meeting during which their performance will be discussed. The letter inviting them to attend will give examples of what the council considers to be poor performance; and advise them of their right to be accompanied at that meeting

At the meeting, employees will be given the opportunity to respond; the causes of the poor performance will be considered; and where training and development is appropriate this will be considered.

Having listened to their response, employees may be issued with a first written warning for unsatisfactory performance if their performance does not meet acceptable standards. This will set out;

- The performance problem
- The improvement that is required
- The timescales
- Any help that may be given
- The right of appeal
- Employees will be advised that it constitutes the first stage of the formal procedure and
- That the warning will remain on the employees file for 12-months

A record of the warning will be kept on your file.

If the employee's performance improves to an acceptable level following the first meeting, the council will meet with them. Providing that satisfactory improvement is sustained, the warning will be disregarded after 12-months for the purposes of providing an employment reference. However, the warning will be considered again if the poor performance re-starts.

Second Stage of Formal Procedure – final written warning:

If the concerns about an employee's performance continue, they will be invited to a second formal meeting during which their performance will be discussed. The letter inviting them to attend will give examples of what the council considers to be poor performance; and advise them of their right to be accompanied at the meeting.

At the meeting, the progress made following the first meeting will be discussed and the employee will be given the opportunity to respond; and where training and development is appropriate this will be considered.

Having listened to their response, if the employee's performance hasn't improved to a satisfactory level, they may be issued with a final written warning for unsatisfactory performance. This will set out:

- The performance problem
- The improvement that is required
- The timescale
- Any help that may be given
- The right of appeal
- That the warning will remain on their file for 12-months
- Advise employees that it constitutes the final written warning and will also warn that failure to improve may lead to dismissal

A record of the warning will be kept on their file.

If the employee's performance improves to an acceptable level following the second meeting, the council will meet with them to confirm that their performance is now satisfactory. This will be confirmed in writing to the employee. Providing that satisfactory improvement is sustained, the warning will be disregarded after 12-months for the purposes of providing an employment reference. However, the warning will be considered again if the poor performance re-starts.

Final Stage of Formal Procedure – Dismissal:

If the concerns about an employee's performance continue, they will be invited to a formal meeting during which their performance will be discussed. The letter inviting the employee to attend will give examples of what the council considers to be poor performance; and advise them that dismissal may be considered.

At the meeting, the progress made following the second meeting will be discussed and the employee will be given the opportunity to respond. Having listened to their response, if their performance hasn't improved to a satisfactory level, dismissal will be considered, or where appropriate deployment to an alternative role.

Any offer to redeploy an employee will be entirely at the council's discretion. Such an offer will be made only where there is a vacancy that we are confident they would be able to perform to a satisfactory level. The alternative job may be on different terms of employment. It will normally be offered only as an alternative to dismissal in circumstances in which the council are satisfied that the employee should no longer be allowed to continue to work in their current role. While the employee will be free to refuse any offer of redeployment, the only alternative available will usually be dismissal.

If the council believes that there is no alternative role available and suitable for the employee, but that they have not met an acceptable standard of performance, the council may decide to dismiss. Any dismissal will be with full notice or payment in lieu of notice.

If the decision to dismiss is taken, the employee will be provided in writing with;

- Reasons for dismissal
- The date on which the employment will terminate
- The right of appeal

APPEALS:

If the employee wishes to appeal against a formal warning or dismissal, they must do so by writing to the Clerk of the Millom Town Council within 5-working days. The Clerk will arrange for an appeal meeting to take place. Wherever possible, an appeal will be heard by the Chair of the Finance and the Chair of Millom Town Council (if these are of the same then the Deputy Chair will take the other place) or a subcommittee made up of councillors who have not previously been involved in the matter.

Employees have the right to be accompanied at the appeal meeting by either a work colleague or any other person they would like to accompany them. At the appeal hearing, the decision to impose the sanction will be reviewed and employees will be entitled to make representations about the appropriateness of that decision.

The outcome of the appeal will be confirmed to the employee in writing, explaining the grounds on which the decision was reached. The outcome of the appeal will be final.

RESCHEDULED MEETINGS:

If an employee fails to attend a scheduled Performance Improvement Meeting without satisfactory reason, the council will reschedule the meeting. The council will advise the employee that if they do not attend the rescheduled meeting without a satisfactory reason, the council reserve the right to make a decision in their absence. The council will, however, confirm that if an employee does not wish to attend the hearing, they may send written representations or join the hearing by telephone/digital channels (Zoom, Teams).

RIGHT TO BE ACCOMPANIED:

Employees have the right to be accompanied by a work colleague or another body who they wish to bring to all formal meeting in this procedure. The council will also consider requests to be accompanied to any investigative meetings.

A work colleague will be allowed time off to accompany an employee to the meeting and the council will support any work colleague who agrees to be a companion. A companion must feel able to agree to the request on the basis that they will not be treated to any detriment if they accept. However, the companion can decline a request.

It is the employee's responsibility to ensure their companion is aware of the meeting arrangements and that they have any documentation in good time. If the employee's chosen companion is not available at the time proposed for the meeting, they must provide the council with alternative dates that they are both able to meet. These dates must be within the following five working days.

If the employee and their representative are unable to meet with the council within a reasonable time, the council will discuss alternative arrangements to enable them to respond to the concerns.

CONFIDENTIALITY AND DATA PROTECTION:

Millom Town Council aim to deal with performance improvement matters sensitively and with respect for the privacy of the individuals involved. All staff must treat as confidential any information communicated to them in connection with a performance improvement matter.

A written record of all meetings conducted under this procedure during the performance improvement procedure in accordance with its data policy and privacy notice as issued to our employees. Any data collected is held securely and accessed by and disclosed to individuals only for the purposes of completing the performance improvement procedure.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

This is a non-contractual procedure which will be reviewed from time to time.

Signed: Dated: 29th January 2025