



PERFORMANCE IMPROVEMENT POLICY & PROCEDURE v.2

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Performance Improvement Policy and Procedure

Policy Statement

The purpose of this policy and procedure is to ensure consistent and equitable treatment of employees who are experiencing difficulties in satisfactorily performing the duties required of their post. West Lothian College will assist and encourage all employees to achieve and maintain standards of job performance, thereby delivering a high quality customer experience.

The aim of the College is to ensure that, in the performance of their role, all staff contribute as intended to the successful delivery of the mission and objectives of the College. The College is committed to providing staff with appropriate support, direction and encouragement, whilst ensuring that the services of the College are not negatively impacted on. The College also recognises the impact on other staff that can result from working with a colleague who is not performing to the required level. This Policy and Procedure therefore ensures consistent and equitable treatment of employees who are considered to be experiencing difficulties in satisfactorily performing the duties required of their post.

Procedure

1 Introduction

- 1.1 The Performance Improvement Policy and this Procedure are designed to deal with those cases where a College employee is lacking in some area of knowledge, skill or ability and is unable to carry out all or a significant element of the required duties to an acceptable standard.
- 1.2 This procedure aims to assist staff to attain and maintain the required level of performance which is the anticipated outcome of the application of this procedure. In cases where serious performance issues are raised the HR (Human Resource) Manager and the individual's Line Manager may determine that it is appropriate for the procedure to be entered at a different stage.
- 1.3 The Principal has the right to delegate responsibility to other members of the Senior Management Team (SMT) with regard to this procedure.
- 1.4 Where reference in this document is made to 'manager' this shall be taken to mean an individual's Line Manager as advised by Human Resource Management (HRM). Managers should seek the advice of HRM at all stages of this Procedure. A member of HRM will be present at all formal meetings, including appeals, held under this Procedure.
- 1.5 The Board of Governors are responsible for application of this Policy in relation to the Principal or Secretary to the Board of Governors.

2 Scope of the Procedure

- 2.1 This procedure applies to all employees of West Lothian College.
- 2.2 The procedure does not apply to:
 - 2.2.1 Unsatisfactory performance resulting wholly or mainly from negligence, wilful lack of application or wilful disregard for performance standards which will be dealt with under the College's Disciplinary Procedure.
 - 2.2.2 Unsatisfactory performance identified as resulting from alcohol and/or substance misuse. Such instances will be dealt with under the College's Alcohol and Substance Misuse Policy.

- 2.2.3 Unsatisfactory performance due to frequent, persistent and short term absence which will be dealt with under the College's Absence Management Policy.
- 2.3 On occasions, it shall be appropriate to move from the Performance Improvement Procedure to another. Examples of such would include conduct, allegations of unlawful discrimination on grounds of sex, race, disability, age, religion and belief, sexual orientation or equal pay (this list is not exhaustive and serves merely as a guide). In such circumstances, action and support already undertaken or provided under this Procedure shall be taken into account in determining the appropriate level at which to enter the other Procedure. The same shall apply should an employee be referred from another Procedure to this one. Where the manager dealing with the case feels that it is appropriate to move to another procedure advice will be sought from HRM and the employee will be advised of this decision in writing.
- 2.4 It is expected that the support and assessment carried out under this Procedure should result in the employee being able to sustain the required level of performance on a continued basis following the end of the review period. If the improvement in performance is not sustained then the Performance Improvement Procedure will be re-instigated at an appropriate stage.

3 Informal Action Stage 1

3.1 Informal Action

- 3.1.1 The informal stage does not form part of the employer's formal disciplinary procedures.
- 3.1.2 It is assumed, at this stage, that the problem is one of short-lived under-performance.
- 3.1.3 Informal discussions should be held between the member of staff and the line-manager to discuss identified areas of under-performance. During these informal discussions the staff member should participate fully in identifying the causes of the under-performance and suggesting possible remedies. A clear standard of expected performance should be communicated to the employee.
- 3.1.4 At the conclusion of the first informal discussion a date should be agreed by the staff member and line manager to review performance. Depending on the context of the situation a reasonable length of time should be given to the staff member to reach the required standard. Where poor performance is caused by a lack of skills or knowledge this

should be addressed through staff development as a matter of urgency.

- 3.1.5 At the conclusion of the meeting to review performance, i.e. whether or not the required standard has been achieved, written feedback should be given to the staff member indicating the outcome. Two outcomes are possible:

Outcome 1:

Where improvements have been made to the required standard, no further action will be taken. The staff member should be informed of this decision in writing within five working days.

Outcome 2:

Where improvements have not been achieved to the required standard, the staff member should be informed that the matter will be referred to the HR Manager who will consider whether the formal stage of the procedure should be implemented. The staff member will be informed of the HR Manager's decision and the underpinning reasons in writing within five working days.

3.2 **Stage 2**

- 3.2.1 Where the manager and HR Manager decide that poor performance has not improved sufficiently following informal action, a formal meeting should be arranged with the employee.
- 3.2.2 The manager will write to the employee at least five working days in advance of the meeting setting out the reason for the meeting and advising the employee that he or she has a right to be represented at the meeting by a trade union representative or colleague. A member of Human Resources will also be present.
- 3.2.3 At the meeting the manager will:
- set out the standards of work performance expected of the employee.
 - explain how the employee's performance has fallen short of what is required and the impact of this on service delivery.
 - confirm that informal measures have failed to improve performance to the level required.
 - provide the employee with an opportunity to explain and/or give reasons why the manager should assess the

performance differently, including both work related and non work related factors that may be relevant.

- discuss the way forward and ensure suitable targets and a plan of action are drawn up to include consideration of additional support and training. This plan may include staff development.
- set a review date which allows for regular updating of the employee on progress being made and gives a reasonable time for the employee to improve and meet the standards of performance required.
- advise the employee that if they fail to reach the required standard during the course of the review period, and that if there is subsequently no significant improvement in performance, Stage 3 of this Procedure will be invoked.

3.2.4 After the meeting the manager will confirm the outcome in writing to the employee within five working days, including the consequences if performance does not reach a satisfactory level within the review period, i.e. that the matter will proceed to Stage 3 of this Procedure. This letter will confirm that the employee has a right of appeal against the decision following development of a Performance Improvement Plan.

3.2.5 A Performance Improvement Plan will be discussed with and issued to the employee covering:

- areas where improvement is required
- the level of improvement necessary to achieve the required standard
- the measures that will be made available to assist the employee to achieve the level of improvement or help to resolve the situation.

3.2.6 If the employee wishes to appeal, this must be submitted in writing to the HR Manager within five working days of receipt of the completed Performance Improvement Plan. The appeal shall be heard by a nominated member of the SMT, normally within ten working days of receipt of the appeal. Their decision shall be final.

3.2.7 The manager will monitor the employee's progress during the review period. Performance will be assessed objectively and as often as considered appropriate. The manager will advise the employee of his/her progress.

3.2.8 If performance is assessed as satisfactory at the end of the review period, the manager will inform the employee

accordingly and confirm this in writing. The employee's Performance Improvement Plan would then be signed off

3.3 Stage 3

- 3.3.1 Should the required performance not be attained and maintained, then the line manager shall refer the matter to the HR Manager who will arrange for a formal meeting to be held between the employee and a member of the SMT.
- 3.3.2 The HR Manager will write to the employee at least five working days in advance of the meeting setting out the reason for the meeting, that it could result in their dismissal, and advising the employee that he or she has a right to be represented at the meeting by a trade union representative or colleague.
- 3.3.3 The purpose of this meeting shall be to review all steps taken and progress made to date, to determine whether further measures are appropriate, and whether further time to improve is likely to result in the employee attaining and maintaining the required standard. This may require a review of relevant documentation and the interviewing of any relevant individuals. At this meeting the SMT member will give the employee an opportunity to provide an explanation as to why they have been unable to reach the required standard.
- 3.3.4 If the SMT member determines that further time to improve, with appropriate support and monitoring, should be allowed, then a decision on the employee's future employment will be deferred and a new review date will be set. This will be communicated to the employee in writing within 5 working days and it will also be made clear to the employee in writing what is expected of them in the review period and that the consequence of not performing to the required standard is likely to be their dismissal.
- 3.3.5 If the SMT member concludes that the employee will not be capable of attaining and maintaining the required standard of performance within a reasonable period, and is satisfied that the College has done all it could reasonably be expected to in supporting the employee to reach the required standard, then they will inform the employee in writing of the decision to terminate their employment with notice. This letter will be issued within five working days of the formal meeting and will also notify them of their right of appeal.
- 3.3.6 Should the employee wish to appeal against the decision to terminate their employment, they must notify their intention

to appeal in writing to the HR Manager within five working days of receipt of the dismissal letter. The appeal will be heard by the Principal or member of SMT advised by the HR Manager. The employee will be advised that he or she has a right to be represented at the meeting by a trade union representative or colleague. The appeal will review whether the decision to dismiss was fair and reasonable in all the circumstances, and this decision shall be final.

3.3.7 If performance is assessed as satisfactory at the Stage 3 meeting or at the end of a further period of review, the member of SMT will inform the employee accordingly and confirm this in writing within 5 working days. The employee's Performance Improvement Plan would then be signed off.

3.3.8 It is expected that the support and assessment carried out under this Procedure should result in the employee being able to sustain the required level of performance on a continued basis following the end of the review period. If the improvement in performance is not sustained then the employee may be put back on the Performance Improvement Procedure at Stage 3. If sustained improvement is evident for a period of one year, then use of the Procedure will be considered to have concluded.

4 Records

All formal documentation relating to the formal stage of this Procedure will be held within HRM and in accordance with the College's Data Protection Policy.

5 Monitoring and Review

West Lothian College will monitor and review this Procedure to reflect College needs, experience and statutory obligations as necessary.

6 Review

This Policy will be reviewed in 3 years time unless otherwise required.