

**Christchurch Borough Council
and
East Dorset District Council**

Procedure for Managing Employee Performance (Capability Procedure)

1.0 Introduction

Christchurch Borough Council and East Dorset District Council are committed to providing Services at agreed standards. The purpose of this policy is to provide a framework for dealing with cases where employees fail to achieve the standards expected of them. The aim is to positively encourage and assist employees to reach the required standards and ensure that consistent and fair treatment is given to all employees.

The procedure provides Managers with a mechanism to deal with those employees who underperform by allowing opportunities for improvement through a series of informal and formal stages. It is not a substitute for good management practices and should only be invoked when initial attempts to improve performance have been unsuccessful following discussions between the employee and their Manager.

2.0 Scope

- This policy applies to all employees.
- For Heads of Service and Strategic Directors refer also to the Terms of Reference of the Standing Panel for Senior Officers and the JNC terms and conditions of employment for Chief Officers
- For the Chief Executive refer also to the Terms of Reference of the Standing Panel for Senior Officers; the JNC terms and conditions for Chief Executives; and the JNC guidance on Designated Independent Persons.
- Employees on probation and fixed term contracts are covered by this policy, (see Section 12).
- This policy should be used for all issues relating to employee performance. For issues related to conduct or attendance refer to the Disciplinary Policy or Managing Attendance Policy
- Christchurch and East Dorset Partnership supervisors and Managers may utilise this policy with employees from either Council.

This policy is intended to support the normal supervisory process. It should be noted there may be occasions where, due to the individual's incapability the level of warning may be accelerated. For example if there were serious issues with an employee's performance that would have a detrimental impact on service delivery.

Appraisals are carried out on an annual basis and work together with this policy to provide employees with information about how they are performing and helping to identify areas for personal development. However, where there are concerns about

performance issues they should be dealt with at the time, informally and through this policy rather than trying to rely on the annual appraisal to do this.

If during the course of using this procedure issues arise relating to conduct (performance that brings the Council into disrepute; unprofessional conduct or gross negligence), then the disciplinary policy will be used in conjunction with this procedure. Likewise for issues related to sickness absence (including incapacity), the Managing Attendance policy will be used. In such cases advice must be sought from the Personnel Team. In some cases it may be appropriate to temporarily adjust the targets set or standards required. However this procedure will continue to be applied until the employee has reached a satisfactory standard and shown that they can maintain it.

3.0 Responsibilities

3.1 The Council are responsible for:

- Training Managers to manage employee performance within their team including addressing any issues arising through poor performance in a fair and consistent manner
- Ensuring employees are provided with the necessary training and equipment to undertake their role

3.2 Managers are responsible for:

Note: The Manager responsible under this policy would normally be the person that would carry out the employees appraisal

- Ensuring that job descriptions are up to date.
- Carrying out appraisals annually as part of the process for setting, monitoring clear and agreed standards
- Ensuring that performance issues are addressed promptly and fairly.
- Providing regular feedback on work performance.
- Explaining clearly the shortfall between the employee's performance and the required standards.
- Establishing the cause of the poor performance and any action which can be taken to help improve the situation.
- Making reasonable adjustments in cases where the employee is not performing their duties satisfactorily due to health reasons.
- Identifying any support services which might be required (e.g. the identification of a mentor, training or coaching, referral to Occupational Health or the Staff Support Service).
- Ensuring that reasonable time limits and clear and measurable targets are agreed with employees to achieve the desired standard of performance. During these time periods, performance must be closely monitored and employees advised of any shortcomings and the degree to which performance must be improved. This may include reviewing the amount of supervision needed.
- Maintaining personal notes of difficulties encountered, assistance given and any actions taken.
- Setting dates for review meetings as required.

3.3 Employees are responsible for:

- Ensuring that they are aware of their responsibilities in their role.
- Performing their duties to a satisfactory level.
- Engaging in any training and development that will enable them to reach the required standard.
- Responding to corrective measures that are identified.
- Familiarising themselves with Council policies and procedures.
- Informing their Manager of any issues which could be affecting their work.

3.4 The Personnel Team are responsible for:

- Providing advice and guidance to Managers as required to ensure equal and consistent treatment of all employees in addressing performance issues.
- Advising Managers to ensure that the correct procedures are used depending upon the circumstances of the case.

3.5 The Trade Unions will:

Provide help and support to their members at any stage of the procedures when requested by an employee to do so.

4.0 The Informal Procedure

Any minor issues of poor performance should be dealt with initially by the Manager on an informal basis. See Appendix 6 for a flow chart summarising the informal procedure.

4.1 Clear Job Roles

It is important that employees are aware of what is expected of them in their job role. It is therefore essential that job descriptions clearly and accurately describe the responsibilities. They should be updated as required to reflect any changes to the role. It is often a good starting point with any performance issues to look at the job description and agree what is required. The job description is vitally important but it should also be noted that the manner in which the tasks are undertaken is also important.

4.2 Setting Standards

Setting standards is a key management skill and when it is done effectively ensures that all staff are clear about what is expected of them. Managers should take time out to define and communicate the standards they require of their employees. It is important in setting standards that both the Manager and employees involved share the same understanding of exactly what the standard is. Setting SMART objectives can help to clarify this.

S Specific
M Measurable
A Agreed
R Realistic

T Timed (a specific time deadline is agreed)

If both parties are agreed about what is expected, it is more likely to be delivered. (See Appendix 1 for an example of a SMART Action Plan)

4.3 Under Performance

There may be a variety of reasons why an employee fails to reach the required standards and it is important that any issues are investigated to ensure that standards are maintained. In the first instance, the Manager should deal with any minor issues of poor performance informally. A meeting with the employee should be arranged to discuss the poor performance and the Manager should raise any problems or areas for concern. Appropriate support and training should be offered to assist the individual in meeting the required standards in the future.

The requirements of the role should be discussed (see Section 4.1) and any areas identified where shortfalls exist. Realistic targets should be agreed (See Section 4.2) with the individual and future expectations made clear by the Manager. The Manager should record the points discussed in the meeting and may confirm this in writing, along with the agreed plan to achieve acceptable levels of performance.

Regular review meetings should be arranged to assess whether performance is satisfactory and targets have been met. In most cases these meetings should provide sufficient guidance, support and clarification of standards to rectify the situation.

However, the formal procedure will apply when:

- Despite previous informal advice or guidance the employees performance has failed to improve within the given timescale, and/or
- The performance is so poor and of such concern, that it is felt informal discussions are unlikely to help.

Before invoking the formal procedure advice should be sought from a member of the Personnel Team.

5.0 The Formal Procedure

If informal discussions have proved unsuccessful in raising the employee's performance levels to the standards required then the formal procedure will be invoked. At every stage of the formal procedure the employee will have the right of representation and their performance will be monitored closely.

If at any stage during this procedure the employee's performance improves to the extent that their capability is no longer in question they shall be informed of this and this will be recorded accordingly. See Appendix 2 for a flow chart summarising the formal procedure.

5.1 Stage 1: Formal meeting

If following informal assistance performance hasn't satisfactorily improved or the performance is so poor and of such concern that it is felt informal discussions are unlikely to help; the employee will be asked to attend a

Stage 1 Formal Meeting. The employee's Manager will carry out the meeting. They will be offered the right to be accompanied by a Trade Union representative or work place colleague and given at least 2 working days notice of the meeting and its purpose. Advice should be sought from Personnel and in normal circumstances a member of the Personnel team will be present at the meeting.

During the meeting current performance will be measured against the previous action plan (if applicable). Any additional capability issues must also be fully discussed and considered. The employee should be given the opportunity to give an explanation or comment on their work and provide their views or suggestions on how best the problem can be tackled.

The discussion should result in both parties clearly understanding the following:

- ❑ The performance is being dealt with according to Stage 1, of the formal procedure
- ❑ The standards of work required
- ❑ The level of improvement necessary
- ❑ Details of any help or support that will be provided to help the employee achieve the required standards
- ❑ How improvement will be assessed and a reasonable timescale in which to achieve it
- ❑ Action Plan agreed with SMART Objectives agreed (see Appendix 1)
- ❑ When the situation will next be reviewed.

The Checklist in Appendix 3 may be helpful to ensure all areas are covered during the meeting.

Standards of performance should be agreed between the Manager and the employee. However, in the absence of such an agreement, the Manager must be satisfied that any targets set are reasonable and non-discriminatory. After the meeting, the Manager should give the employee a written action plan (see Appendix 1) with clear targets based on SMART objectives and timescales for demonstrable improvement and notes from the meeting (which the employee should be given the opportunity to comment on)

The Manager will monitor and assess the employee's performance for an appropriate period of time normally ranging from 4 to 12 weeks. Discussions and support will take place between the Manager and the employee during this period according to the agreed timetable.

5.2 Stage 1 Follow-up/Review meeting

At the end of the monitoring period, the Manager will arrange a review meeting allowing at least 2 working days notice with the employee who will have the right to be accompanied. A member of the Personnel Team will normally also be present at the meeting. The purpose of the meeting is to review the employee's progress against the action plan agreed at the Stage 1 Formal Meeting. At the review meeting the Manager will give a clear indication of the outcomes of the monitoring process, and identify any progress made and any further improvements needed. The

employee must be allowed to respond to the outcomes of the monitoring process and Participate fully in the discussions.

The Manager must decide based on the discussions and progress what action is appropriate.

Available options include:

- Deciding not to proceed to the next stage under the capability procedure as the employee's performance has improved sufficiently. This will be confirmed in writing or
- Issue a **first written improvement notice** and progress to Stage 2 of the capability procedure if no significant improvement is evident. (See section 9 for time limits that apply for record keeping).

The Manager must write to the employee informing them of the decision. In cases where a written improvement notice is issued the employee will be informed of their right of appeal. The letter should also warn the employee that they could progress to a final written improvement notice if the required improvement is not achieved. (See Appendix B for a sample letter)

6.0 Stage 2 of the Formal Procedure

6.1 Stage 2 Formal Meeting

If the employee fails to achieve the standards and/or the timescales set out in the action plan agreed at Stage 1 or if the poor performance is significantly serious then Stage 2 of the procedure will be invoked. This involves a Stage 2 Formal Meeting carried out by the Manager based on the same structure as that for Stage 1. The employee will be given 5 working days notice of this and will be entitled to be represented by a trade union representative or a work colleague. A representative from the Personnel Team will be present.

At the meeting the Manager will discuss fully the capability issues, give the employee the opportunity to respond to the issues raised, discuss and agree an action plan, targets and timescale for improvement (as outlined in section 5.1 and Appendix 1). After the meeting, the Manager should give the employee a written action plan with clear targets and timescales for demonstrable improvement. A Checklist for the meeting can be found in Appendix 4.

6.2 Stage 2 Follow-up/Review meeting

At the end of the monitoring period (usually between 4 and 12 weeks) a further meeting with the Manager and the employee will be held to review progress and confirm the outcomes of the monitoring process. The employee will be advised in writing of the purpose of the meeting and given 5 working days notice. The employee will be entitled to be represented by a trade union representative or a work colleague. A representative from the Personnel Team will be present.

The purpose of the meeting is to review the employee's progress against the action plan established at the Stage 2 Formal Meeting. At the review meeting the Manager will give a clear indication of the outcomes of the monitoring process, and identify any progress made and any further improvements needed. The employee must be allowed to respond to the outcomes of the monitoring process and have the opportunity to ask questions.

The Manager must decide based on the discussions and progress what action is appropriate.

Available options include:

- Deciding not to proceed to the next stage under the capability procedure as the employee's performance has improved sufficiently. If this is the case this will be confirmed in writing and the improvement notice issued at stage 1 will remain "live" for the stated period **or**
- A **final written improvement notice** and revised action plan is issued and progress to Stage 3 of the capability procedure if no significant improvement is evident. (See section 9 for time limits that apply).

The Manager must write to the employee informing them of the decision. In cases where a final written improvement notice is issued the employee will be informed of their right of appeal. The letter should also warn the employee that their employment could be terminated if the required improvement is not achieved. (See sample letter in Appendix B)

6.3 Stage 2 Final Review Meeting

At the end of the monitoring period (usually between 4 and 12 weeks) a further meeting will be held to **review the employee's performance following the issue of a final written improvement notice.**

The employee will be advised in writing of the purpose of the meeting and given 5 working days notice. The employee will be entitled to be represented by a trade union representative or a work colleague. A representative from the Personnel Team will be present.

The Manager will present their findings and the employee or their representative Manager will be allowed to state their case. The Manager must then decide based on the discussions and progress what action is appropriate.

Available options include:

- • Deciding not to proceed to the next stage under the capability procedure as the employees performance has improved sufficiently. If this is the case this will be confirmed in writing and the improvement notice will remain "live" for the stated period **or**
- Recommend a **formal case review hearing** takes place if no significant improvement is evident.

The Manager must write to the employee informing them of the decision.

7.0 Stage 3 of the Formal Procedure :

7.1 Stage 3 Case Review Hearing

A Case Review Hearing will be held in the event that the standards of performance set following a final improvement notice (or Probationary Report Meeting) have not been met. The employee should be advised in writing that they are required to attend a Case Review Hearing in writing giving at least 5 working days notice. The letter should state the reasons why they have fallen short of the required standards

and should advise them that a possible outcome of the meeting could be dismissal. (see sample letter in Appendix C).

The employee will have a right to be accompanied at the meeting by a work colleague, trade union representative. A Head of Service or their nominated representative will act as Chairperson at the hearing. This must be someone different from the Manager who has carried out the previous review meetings. A member of the Personnel team will be present.

7.2 Procedure for the Case Review Hearing

The Chairperson will begin by outlining the procedure that will be followed at the hearing. The Manager will explain the capability issues and the outcomes of the monitoring process detailing the action plan and the achievement against the objectives set (or if the Case Review Hearing is held as a result of the Probationary Policy the probationary report meetings). The employee will be allowed to explain their case and will be given the opportunity to ask questions and seek clarification. After questioning is completed the chairperson will summarise the main points of the discussion and will ask the employee if they have anything further to add.

The Chairperson will then adjourn the hearing to consider the outcome. This allows time for reflection and proper consideration.

If new matters come to light in the course of a hearing, not being matters which could have been previously raised by the employee, the hearing shall be adjourned to investigate the new facts and the hearing will be reconvened when this has been done.

If it is decided that, on the balance of probability, the employee's performance is unlikely to reach an acceptable standard, the appropriate decision will be considered. At the end of the hearing the Chairperson should inform the employee of the outcome of the meeting. This will be confirmed in writing to the employee within five days of the hearing and include details of their right to appeal.

7.3 Outcome of the Hearing

The outcome of the hearing could include any of the following:

- Dismissal with notice in accordance with the employees terms and conditions of employment
- An extension of the Stage 3 process (or extension of probationary period for new employees)

If dismissal is the outcome during the notice period the possibility of redeployment to an alternative position which may be at a lower salary will be considered in accordance with the Council's Redeployment procedure.

8.0 Time limits on Written Improvement Notices

Copies of written improvement notices will be contained on an employee's personal file and will normally be removed after the following periods:

- First written improvement notice 6 months
- Final written improvement notice 12 months

9.0 Appeals

For further information on appeals please see the Appeals Procedure (available on the intranet).

10.0 Disabled Employees and the Equality Act 2010

An employer must not discriminate against an employee who has become disabled, or whose disability worsens. When investigating performance issues a Manager must identify if there are any disability issues.

Being disabled does not preclude an employee from being managed under these procedures however they must be treated in accordance with the provisions of the Act.

Before implementing the policy, all 'reasonable adjustments' must be applied dependant on the circumstances of the disability. Reasonable adjustments include a range of possible actions and may include (although this list is not exhaustive):

- Change of working hours or working pattern
- Changes to their work equipment
- Adjustments to their job content

Being moved to another role before reasonable adjustments in their current role have been exhausted may in itself be determined as discrimination, so every effort should be made to resolve the issues in the current role.

Where reasonable adjustments have been explored and exhausted, and the employee still has performance issues, this policy will then be used. Specialist advice should be obtained where relevant.

11.0 Probationary Periods

For details on dealing with new employees who are in their probationary period please refer to the Probationary Period Procedure which can be found on the intranet.

List of Appendices:

Appendix Number	Details
1	SMART Action Plan
2	Formal Procedure Flowchart
3	Stage 1 Formal Meeting Checklist
4	Stage 2 Formal Meeting Checklist
5	Case Review Hearing Checklist
6	Informal Procedure Flowchart

Sample Letters:

Appendix Number	Details
A	Invitation to Formal Meeting
B	Outcome of Follow-Up Meeting
C	Notification of Case Review Hearing
D	Outcome of Case Review Hearing

Appendix 1

Example of a SMART action plan

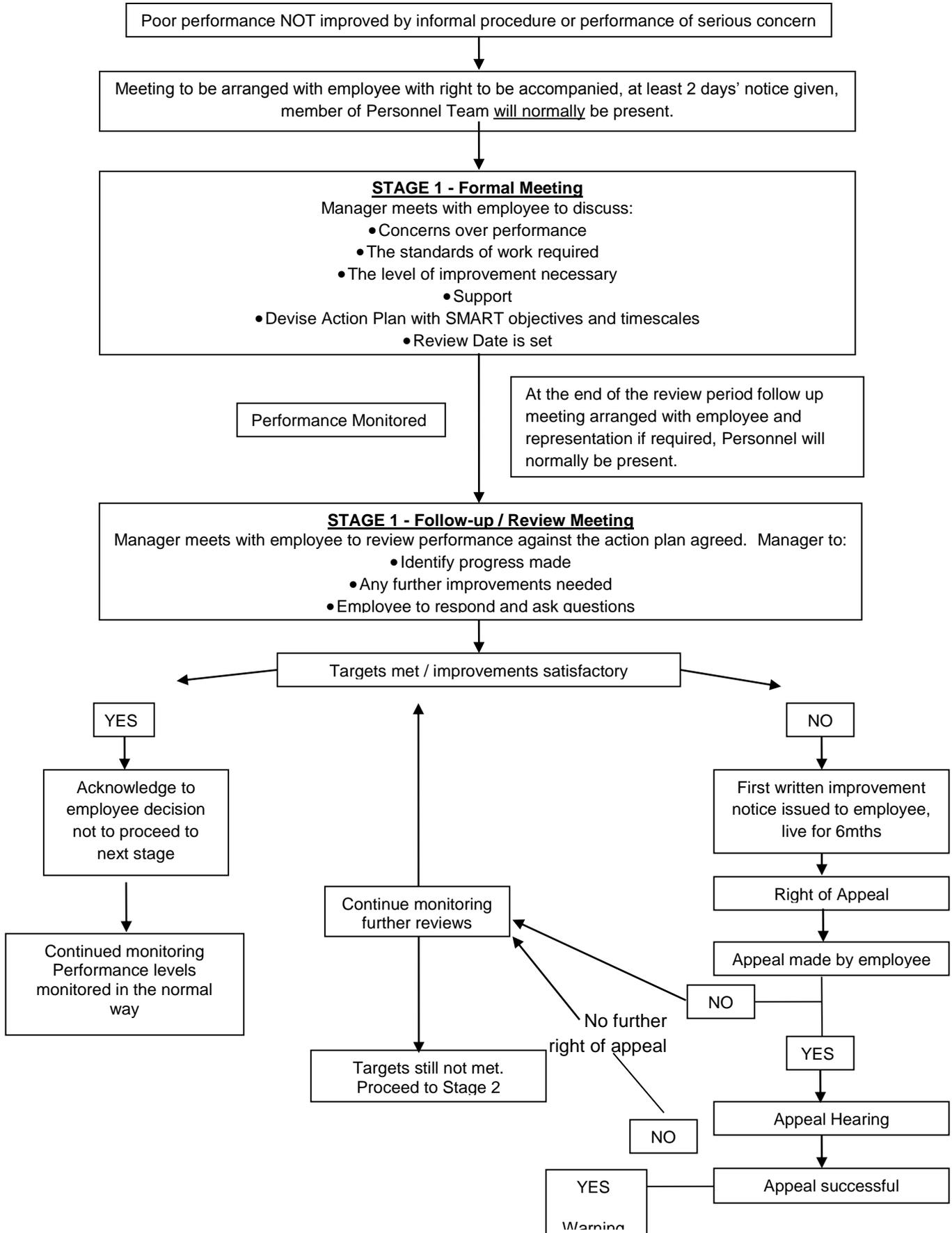
Name:

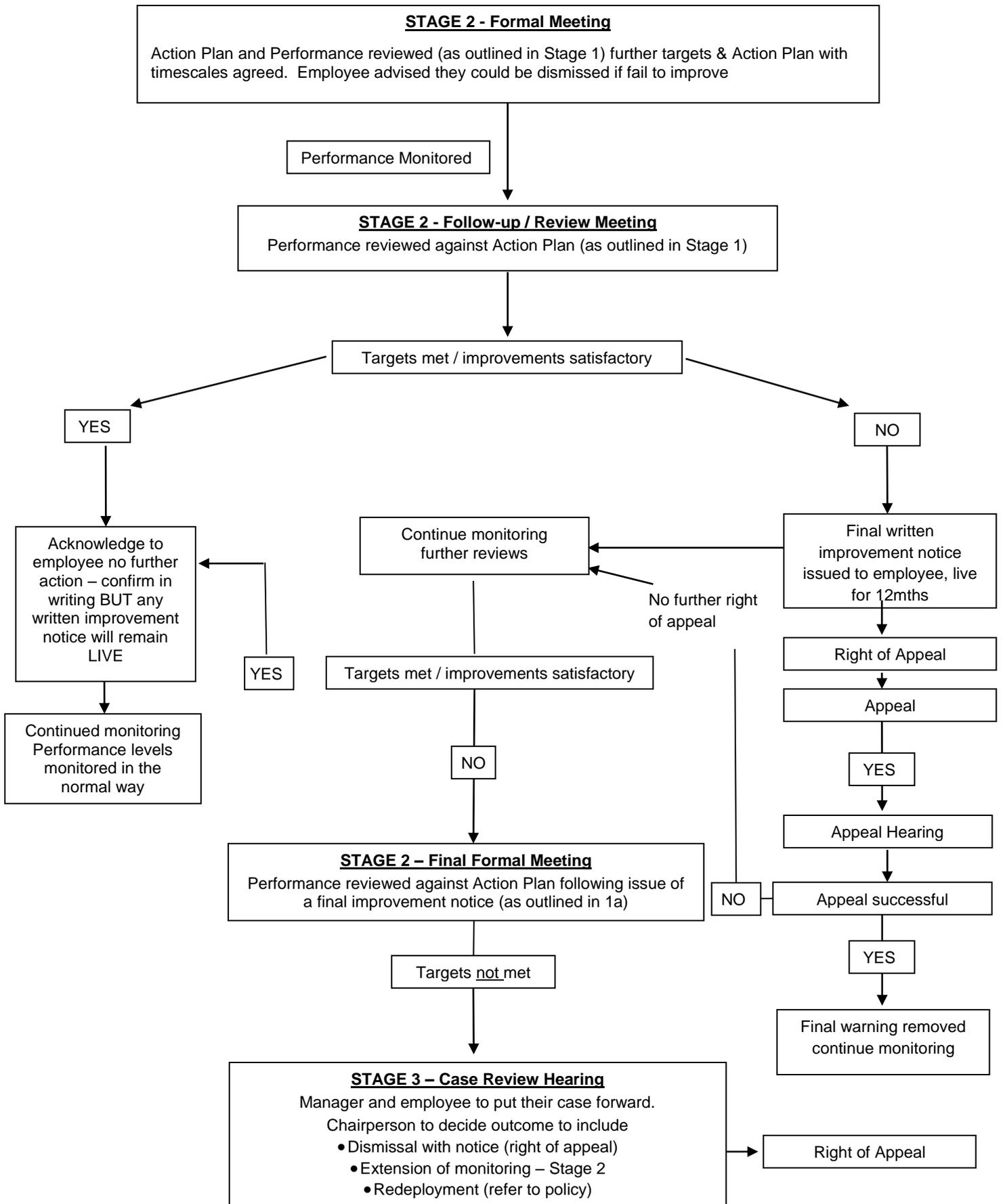
Period: To:

Specific Objective	Measures	Agreed as being achievable	Is it realistic and relevant	Timings/ deadline
<p>Specific means that the objective is concrete, detailed focused and well defined. Specific also means that its results and action orientated. Specific objectives are best written using action words such as conduct, develop, build, plan, execute etc. Is it clear what needs to happen? Is the outcome clear? Will this objective lead to the desired results?</p>	<p>Establish criteria for measuring progress toward the attainment of each objective you set. How will I know when it will be accomplished? Is there a reliable system in place to measure progress? If results aren't easily quantifiable, try a system that scores employees between 1 and 5 for their level of competence in certain areas e.g. team working, initiative, flexibility, leadership skills.</p>	<p>Are the objectives you set agreed by both parties as being capable of being reached? With a reasonable amount of effort can the objective be achieved?</p>	<p>Will the objective lead to the desired result? Do you truly believe the objective can be accomplished? Is the objective being or has it been accomplished in the past by colleagues?</p>	<p>Time bound means setting deadlines for the achievement of the objective. Deadlines need to be achievable and realistic. Will other competing demands cause delay? When do you want to achieve the set objectives?</p>

Appendix 2 Formal Procedure

This policy is intended to support the normal supervisory process. It should be noted there may be occasions where, due to the individual's incapability the level of warning may be accelerated. For example if there were serious issues with an employee's performance that would have a detrimental impact on service delivery.





Appendix 3

Stage 1 – Formal Meeting Checklist

The Manager needs to discuss:

- The specific standards of work required and where the employee does not meet them
- The improvement that is necessary.
- How the employee can be helped to achieve the standards.
- How improvement will be assessed.
- The timescale in which the standard should reasonably be achieved.

The employee needs to:

- Obtain a clear understanding of what is expected of them.
- Give an explanation or comment on how they are coping with their work.
- Give their views on how they would like to tackle the problem.
- Explain any underlying problems that may be holding them back, for example ill health or personal problems.

The Manager and employee need to agree:

- How the employee can be best supported to reach the standard.
- Any additional assistance that can be offered in terms of time, resources, training, advice.
- Action Plan with SMART objectives (see Appendix 1)

The Manager must leave the employee with a clear understanding (followed up in writing) of:

- The performance problem
- The required level of improvement.
- Any support or assistance that will be offered
- Timescale for improvement

Appendix 4

Stage 2 – Formal Meeting Checklist

The Manager needs to discuss:

- The standards that were set and to what extent they've been met, referring to the Action Plan previously devised.
- Whether further improvement is necessary.
- How the employee was helped in the review period and whether there needs to be further or different support made available.
- If appropriate how further improvement will be assessed.
- If appropriate the timescale in which the standard should reasonably be achieved.
- Consequences of failure to achieve the standard – could ultimately result in dismissal – explain the procedure

The employee needs to:

- Obtain a clear understanding of what is expected of them.
- Give an explanation or comment on how they have coped during the review period.
- Give their views on how they would like to progress things.
- Explain any underlying problems that may be holding them back, for example ill health or personal problems.

The Manager and employee need to agree:

- How the employee can be best supported to reach/maintain the standard.
- Any additional assistance that can be offered in terms of time, resources, training, advice.
- Action Plan with SMART objectives (see Appendix 1)

The Manager must leave the employee with a clear understanding (followed up in writing) of:

- To what extent they have achieved the standard required.
- If necessary the required level of further improvement.
- Any support or assistance that will be offered
- The timescale for improvement.
- How, and by whom their work will be monitored through the review period.
- The date of their next review.
- The consequences of not achieving or maintaining the required improvement.

Appendix 5

Case Review Hearing Checklist

The Chairperson should outline the format for the meeting and explain his/her role.

Note: The Personnel representative will be present to provide procedural advice

The Manager needs to explain:

- The standards that were set and to what extent they've been met, referring to the Action Plan previously agreed
- If appropriate, what further improvement is necessary.
- How the employee was helped in the review period and how effective this was.
- How the employee was given a clear understanding of what was expected of them.

The Employee or their representative needs to explain:

- Whether they understand the performance issues in question
- How they feel they have coped during the review period.
- Their performance against the Action Plan
- Whether the support they received was effective.
- If there were any underlying problems that may have affected the situation, for example ill health or personal problems.

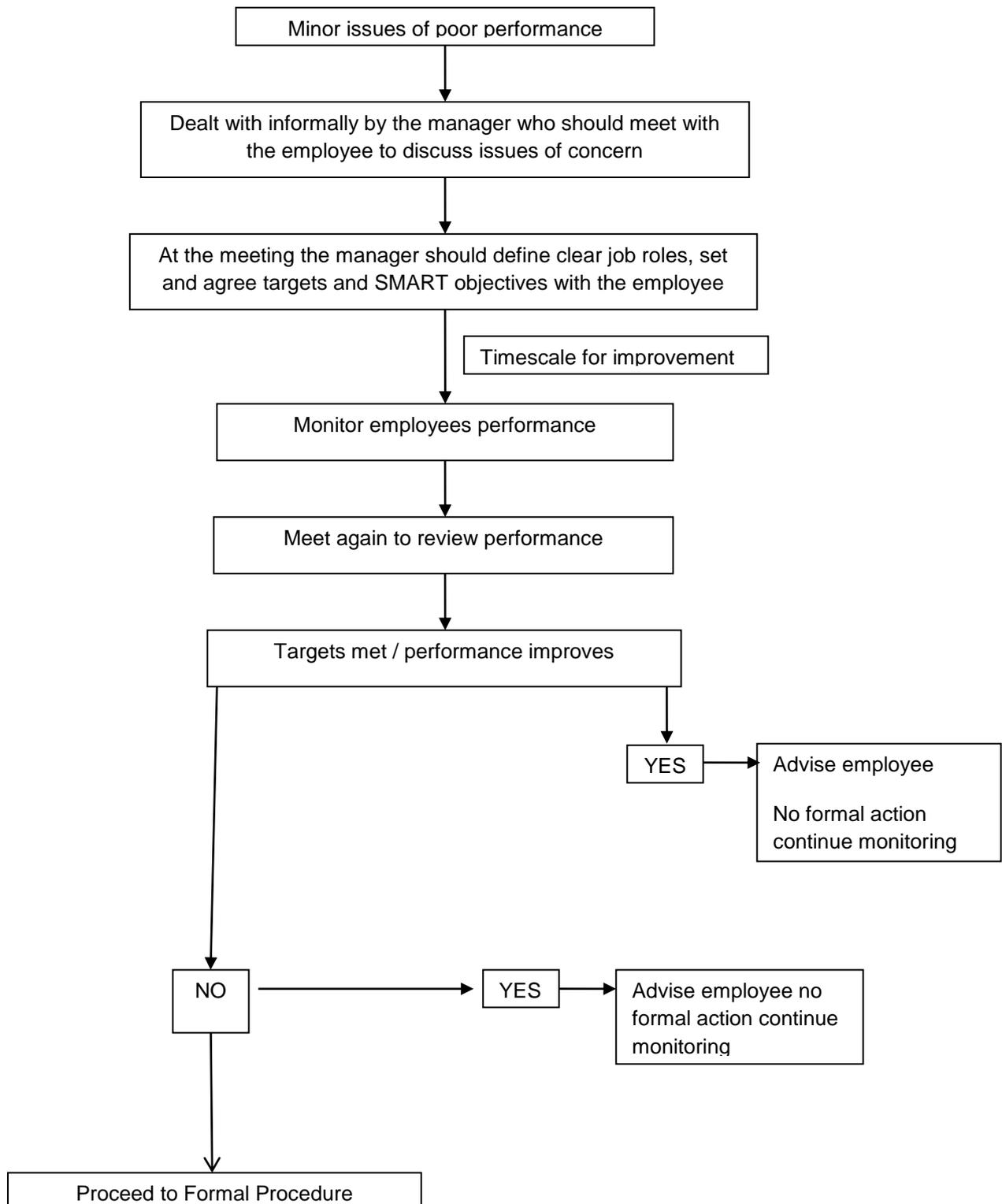
The Manager and employee need to:

- Be able to put any further points that they feel are relevant to the situation.

The Chairperson will adjourn the Hearing and make a decision as outlined in Section 7.4.

Appendix 6

INFORMAL PROCEDURE



Sample letters:

APPENDIX A – Invitation to attend a Formal Meeting

Dear [Employee],

You are requested to attend a Stage ** **Formal Review Meeting** under the Managing Performance Policy with your Manager [name] at [place] at [time] to discuss concerns regarding your performance.

You are entitled to be accompanied at this meeting by a Trade Union representative or a workplace colleague.

At the meeting your Manager will wish to discuss with you specific standards of work required and the improvement that is necessary. Consideration will be given to any support and/or training that can be offered in order to help you improve your performance. You must however be aware that failure to reach the required standards could lead to further action being taken.

I enclose a copy of the Managing Performance Policy for your information. .

If you feel you want to discuss your situation in confidence before attending this meeting then you can request a meeting with a member of the Personnel Team..

Yours sincerely,

Appropriate Manager or HR

Appendix B

Outcome of Stage *** Follow-up / Review Meeting

Dear

Stage ** Outcome of Follow-up / Review Meeting (Managing Performance Policy)

I am writing to confirm the outcome of the above review meeting held on (DATE) at _____ at which your unsatisfactory performance was discussed and reviewed.

You were given (time)..... to prepare for this meeting and advised that you were entitled to be accompanied by your trade union representative or a work colleague.

Present at the meeting were:

At the meeting I (Manager) put to you my specific concerns regarding(performance issues).....aspects of your performance. These issues were previously discussed with you informally /or under stage *** of the procedure on ...(date).

Since then(support/training etc.) has been provided and you have made(quantify).....progress against your objectives.

It was agreed at the meeting today that: (select one)

- 1) You have made excellent progress against your objectives and although your performance will continue to be monitored in the normal way you are longer subject to the formal Managing Performance Procedure.
- 2) You have made some progress against your objectives which you are encouraged to maintain, however, you are still not performing to the standard required for your post. Over the next (specify period) you will need to improve your standard of performance still further in order to reach an acceptable level for your job. The details of what you are expected to achieve are detailed in the attached Action Plan. A further meeting to review your performance against these objectives will be arranged in
- 3) Unfortunately you have made unsatisfactory progress against your performance objectives. Over the next (specify period) you will need to improve your standard of performance still further in order to reach an acceptable level for your job. The details of what you are expected to achieve and what support you will receive is detailed in the attached Action Plan A further meeting to review your performance against these objectives will be arranged in

As a result of this failure to satisfactorily improve, I can confirm that you are being issued with a **Formal Written Notice of Improvement/ Final Written Notice of Improvement** in accordance with the Managing Performance Policy. This improvement notice will be placed on your personal file and remain live formonths. This improvement notice represents the **stage 1 / stage 2** of the formal procedure and is equivalent to a **first/final **** written warning. You should be aware that failure to improve could lead to **a final written warning/ your dismissal ****. I trust that you will make efforts to improve your performance. However, if you have any problems which make it difficult for you, which I am not already aware of; I would urge you to discuss these immediately with me so that we can find a satisfactory solution.

You have the right of appeal against this decision (in writing) to..... within 10 working days of receiving this improvement notice. Your written notice of appeal should set out the grounds for your appeal.

I attach a copy of your action plan. If you have any queries with the content of this letter, please contact me.

Yours etc.

Appropriate Manager or HR

Appendix C

Notification of the Case Review Hearing - Performance

PRIVATE & CONFIDENTIAL

<Addressee>
<Address>

<Date>

Dear <Addressee>

Notification of Case Review Hearing - Performance

Further to the Formal Meetings and subsequent review meetings regarding your performance I am writing to advise that you are required to attend a case review hearing as detailed below:

Date:
Time:
Venue:

The hearing will be chaired by (H of S). Present at the meeting will also be as the Personnel representative, _____ (Manager) will present the details of your capability review to date. You are entitled to be accompanied at the hearing if you so wish, by a trade union representative or workplace colleague.

The specific concerns that will be considered at the hearing are:

Concerns:
<Insert concerns>

At the hearing consideration will be given to the steps taken to improve your performance and outcomes following the review periods. You will be entitled to put forward case.

The Case Review Hearing may result in one of the following outcomes:

1. No further action
2. Extension of previous review period
3. Dismissal with contractual notice

Should a penalty be imposed then you will have the right of appeal against the decision.

The above is in accordance with the County Council's Capability Procedure, a copy of which was provided to you at an earlier meeting.

Please supply me with any papers that you may wish to be considered at the hearing. These could arrive in the HR Division at the Offices no later that on You will receive the Council's papers by the same date and time.

Yours sincerely

Appropriate Manager or HR

Appendix D

Outcome of Case Review Hearing

Dear.....

I am writing to confirm the outcome of the Case Review Hearing held on which was conducted under the Managing Performance Policy.

You were given (time)..... to prepare for this meeting and advised that you were entitled to be accompanied by your trade union representative or a workplace colleague.

Present at the meeting were:

At the meeting I (Manager)..... put to you my specific concerns regarding(performance issues).....aspects of your performance. These issues were previously discussed with you formally under stage 2 of the procedure on ...(date).

Since then(support/training etc.) has been provided and you have made(quantify).....progress against your objectives.

It was agreed at the meeting that: (select one)

1. You have made some progress against your objectives which you are encouraged to maintain, however, you are still not performing to the standard required for your post. Over the next (specify period) you will need to improve your standard of performance still further in order to reach an acceptable level for your job. The details of what you are expected to achieve and what support you will receive is laid out below. Your review period has been extended on a discretionary basis, however it is important for you to understand that whilst every support and alternative options will be given to you to try and keep you in employment (please see the Managing Employee Performance Policy for details of what to expect) **you may face dismissal if you do not make the necessary improvements in your performance.**

Bullets – specify:

- The level of improvement required
- The time over which it should be achieved
- When the situation will next be reviewed
- How and by whom their performance will be monitored
- Details of any help or support that will be provided
- Date and time of next review.
- Failure to achieve the standards set out above in the timescale specified will result in progression to stage 3 of the process which could result in dismissal.

2. Unfortunately you have made unsatisfactory progress against your performance objectives. It was therefore agreed at the meeting that it would be inappropriate for you to continue in your present post. You are therefore under formal notice of dismissal as a result of poor performance. You are entitled to weeks' notice with effect from today (date). Your last day of work will therefore be (date). You have the right to Appeal against your dismissal; should you wish to do so you must follow the Appeals Policy (copy enclosed)

Only use if appropriate

However during your notice period (in your case) efforts will be made to try and find suitable alternative work for you within the Council. Any vacancies that might be suitable will be forwarded to you.

If you wish to be considered for a vacancy and it is agreed that you are likely to have the appropriate skills, then you will be considered along with other applicants, through the normal process.

If you meet the essential criteria for the post then you will be offered a 4 week trial period to establish your suitability for the work. During that time the Manager will assess whether you are likely to meet the performance criteria. If both you and your Manager are satisfied with the new working arrangements then the situation will be formalised. If the salary is lower than your current salary you will have to be prepared to accept this. If there are concerns on either side then a further review period may be considered.

If despite these measures redeployment, at the end of the trial period, is not successful then a further stage 3 Case Hearing will be held which may result in your dismissal.

You will have the right to Appeal against a dismissal using the Council's Appeal procedure.

Should you have any questions regarding your situation or need to discuss any aspect of it then please contact me or the Personnel Team.

Yours etc.
Head of Service