



Performance Management Policy

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CONSULTATION AND RATIFICATION SCHEDULE

Name of Consultative Body	Date of Approval
Senior Leadership Team	February 2022
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CROSS REFERENCE TO OTHER POLICIES / STRATEGIES

This policy should be read in conjunction with:	Detail
Policy 1	<ul style="list-style-type: none">• Disciplinary
Policy 2	<ul style="list-style-type: none">• Data Protection
Policy 3	<ul style="list-style-type: none">• Engagement Period
Policy 4	<ul style="list-style-type: none">• Learning Pathway and Review

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1 INTRODUCTION / POLICY STATEMENT

Scottish Autism recognises the need for managers to manage their employees in a supportive, consistent and fair manner. This policy is designed to help and encourage all employees to achieve and maintain acceptable standards of job performance, and to make clear the procedure when performance falls below an acceptable standard.

The aim of this policy is to ensure that all employees are aware of their rights and obligations in respect of job performance and that performance management is consistently and fairly applied across the organisation.

This policy should be used when performance has been identified as falling below an acceptable level. Its purpose is to provide a framework for resolving poor performance in a fair and supportive manner. Guidance on more general performance/learning development can be found in learning pathway, reviews and engagement period policies.

We will use this procedure where improvements in performance are not achieved following informal discussions.

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

2 KEY PRINCIPLES

The main principles that strengthen our approach:

- Informal processes will be used where appropriate, to resolve issues of poor performance.
- Any concerns about performance will be managed fairly, consistently and as quickly as possible.
- Managers will always make sure that action and decisions are objectively taken and are non discriminatory.
- Employees have the right to be accompanied during a performance management meeting or appeal.
- Employees have the right to appeal against any formal actions taken
- As a charity and social care provider, Scottish Autism have specific responsibilities around safeguarding and risk that are our priority. There may be exceptions made to the application of the procedure laid out below dependent on job role and level of risk relating to poor performance. For example, if a driver fails to drive safely or practitioner causes harm through poor performance with medication the individual may move immediately to a formal stage where dismissal may be considered due to risk and consequence.

3 SCOPE

This policy applies to all employees of the organisation although specific guidance is in place for those in their engagement period. There may be exceptions made to the application of the procedure but the key principles will always be maintained. Capability due to ill health (for example a deteriorating health condition that will not improve over the foreseeable future) is not within the scope of this policy or procedure.

4 PROCEDURE

Performance is monitored generally on an ongoing fashion with colleagues in 1:1 coaching sessions, review meetings and through development planning. Feedback is a part of the learning culture of Scottish Autism and minor issues around performance is dealt within this normal development and coaching discussions. When a significant issue around performance becomes apparent the line manager will usually initially address it informally.

4.1 Stage 1 – Informal meeting

Your manager will inform you of the nature of the problem and confirm this in writing, which includes email. You will be invited to an informal meeting to discuss concerns regarding your performance. This may be in conjunction with a 1:1 coaching meeting. The meeting will usually be conducted by your manager.

Following the informal meeting, your manager may choose to:

- take no further action;
- refer the matter for investigation under the disciplinary procedure; or
- issue guidance to you on what you need to do to improve your performance to a satisfactory level.

4.2 Stage 2 - Performance improvement meeting

Where stage 1 does not lead to a satisfactory improvement in your performance, you will be invited to a meeting to discuss and review your performance.

The purpose of this meeting is to discuss your performance and decide what measures should be taken to help you to improve your performance to an acceptable level. The meeting will be conducted by your manager. Where it is considered appropriate, a member of the HR department may also be present.

At the meeting, you will be given an opportunity to discuss, ask questions, comment on the issues and put forward any explanation you may have for the matters identified by your manager as amounting to poor performance. You may also come to the meeting with suggestions and a proposed plan to improve performance.

The outcome of the meeting may be:

- a decision to take no further action;
- a decision to refer the matter for investigation under the disciplinary procedure; or
- the implementation of a performance improvement programme (see below).

5 Performance Improvement Programme

A performance improvement programme is a series of measures designed to help you to improve your performance. We will seek to agree each measure with you, but reserve the right to insist on any aspect of the performance improvement programme if agreement cannot be reached. Dependent on the area of work or tasks that is falling below performance standard the measures, length of time and speed of improvement may need to be dictated by the manager although the employee will be given opportunity to feedback and give their view.

Each programme will be tailored to the particular situation, role and issue, but will cover the following elements:

Targets

The particular areas in which improved performance is needed and on what criteria your performance will be assessed. Where appropriate, we will set specific targets that will need to be achieved either by the end of the programme or at identifiable stages within it.

Timescale

The overall timescale in which the necessary improvement requires to be achieved, together with the timescale for reaching individual milestones if appropriate.

Measures

The measures we will take to support you in improving your performance. This may include:

- training;
- additional coaching or 1:1 support;
- the reallocation of certain duties; and
- the provision of additional support from your colleagues.
- Feedback

You will be given regular feedback indicating the extent to which you are on track to deliver the improvements set out in the programme.

If, at any stage during the programme, your manager feels that your performance is not progressing in a satisfactory way, a further meeting may be held with you to discuss this, and where appropriate, your programme may be amended and/or extended.

6 Review

At the end of the programme, your performance will be reviewed. If satisfactory progress has been made, we will confirm this in writing. If your manager feels that satisfactory progress has not been made, your performance improvement programme may be extended and/or amended. Alternatively, you may be asked to attend a formal hearing under stage 3 of this procedure (see below).

Ongoing review

Following the successful completion of a performance improvement programme, your performance will continue to be monitored. If, at any stage during the following 12 months or in a patterned manner beyond this, your performance again starts to fall short of an acceptable standard, your manager may decide to initiate stage 3 of this procedure.

7 Stage 3 - Formal hearing

Where stage 2 does not lead to a satisfactory improvement in your performance, you will be invited to a formal performance management hearing.

You will be informed in writing of the grounds on which the hearing is being convened. The letter will set out sufficient information and examples of why your manager believes your performance still falls short of an acceptable standard. Usually this will be focused on copies of the performance programme records with a short summary along with identification of risks and consequences of the poor performance. This takes the place of 'an investigation and investigation report', as outlined under the Disciplinary Policy.

The hearing will be conducted by a more senior manager than your line manager and a member of the HR department. Scottish Autism retain the right to substitute hearing managers. You will be entitled to be accompanied by a fellow colleague or a trade union official.

At the hearing, you will be given an opportunity to ask questions, comment on the issues and to put forward any explanation you may have for the matters identified by your manager as amounting to poor performance.

The outcome of the meeting may be a decision to:

- take no further action;
- refer the matter for investigation under the disciplinary procedure;
- institute another performance improvement programme; or
- issue a formal warning
- dismiss the employee

A formal warning will be issued if it is concluded that reasonable steps have been taken that should have allowed you to perform to an acceptable standard, but that these measures have not worked. The warning will explain the nature of the improvement that is

required in your performance and state the timescale for making these improvements. It will also explain that, if the necessary improvement does not take place, you may be dismissed.

The warning will remain current for a period of 12 months, after which it will cease to have effect.

Where you are issued with a formal warning in accordance with this procedure, you will have a right of appeal.

8 Stage 4 - Dismissal hearing

If you have been issued with a warning under stage 3 that remains live and your manager believes that your performance is still not acceptable, the matter may be referred to a performance dismissal hearing. In some circumstances the nature, risks and consequences of the poor performance is such that dismissal will be considered without a previous formal warning. This may include that trust and confidence in performance is not sufficient to allow ongoing employment (example medication errors in lone working services where despite support and training the performance leads to serious risk to the person being supported).

You will be informed in writing of the grounds on which the hearing is being convened. The letter will set out sufficient information and examples of why your manager believes your performance still falls short of an acceptable standard.

The hearing will be conducted by a more senior manager than your line manager and a member of the HR department. Scottish Autism retain the right to substitute hearing managers. You will be entitled to be accompanied by a fellow colleague or a trade union official.

At the meeting, you will be given an opportunity to ask questions, comment on the issues and to explain any issues around your performance or mitigating circumstances.

The outcome of the meeting may be:

- a decision to take no further action;
- the issuing of another performance management warning;
- an offer to redeploy the employee to alternative work or demote; or
- a decision to dismiss the employee.

Any offer to redeploy or demote you will be entirely at our discretion. Such an offer will be made only where we are confident that you will be able to perform well in the redeployed role. It will normally be offered as an alternative to dismissal only in circumstances in which we are satisfied that you should no longer be allowed to continue to work in your current role. While you are free to refuse any offer of redeployment, the only alternative available will usually be dismissal. Salary level will change to the redeployed role if there is a difference.

If we believe that there is no alternative role available and suitable for you and that you have not met an acceptable standard of performance, you may be dismissed. A decision to dismiss will only be taken by a senior manager who has the authority to do so.

The decision to dismiss together with the reasons for dismissal will be set out in writing and sent to you. Any dismissal will be with notice or a payment in lieu of notice.

9 APPEAL PROCESS

Appeals can be made in relation to any of the formal stages outlined above and should be submitted in writing setting out the grounds of the appeal within 10 working days of receipt of the formal outcome of the staged performance meeting to the Director of People and Culture. The organisation reserves the right to substitute Directors where required.

An appeal hearing will take place to discuss the situation fully where the employee will have the right to be accompanied by a colleague or trade union official. The employee will be notified of the appeal hearing in writing giving the employees 4 working days' notice to prepare. A suitable and independent manager will hear the appeal which will normally be the next level of management. The outcome of the appeal will be final and will be notified to the employee in writing within 5 working days.

10 RIGHT TO BE ACCOMPANIED

All employees have the right to be accompanied by a Trade Union representative, employee representative or work colleague during any formal performance management meetings, however they cannot act in a legal capacity. The employee should advise the relevant manager if they will be accompanied and it is the employee's responsibility to arrange for their representative to be present at any **formal** stage of the procedure. The representative must have no involvement in the alleged allegation(s) to prevent a conflict of interest. If the representative is unavailable on the proposed date of the hearing, the manager will suggest another date which is no more than 5 working days after the date originally proposed to ensure the employee's preferred representative is able to attend. The role of the representative is to support and advise the employee. They are not permitted to answer questions on the employee's behalf, but they will have the opportunity to ask questions on behalf of the employee and can confer with the employee during the meetings.

11 RECORDS

A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an additional person arranged by us to take notes. Any records of formal meetings are made in line with our data protection obligations. Records of all formal performance management meetings must be kept on the employee's HR file for the timescales specified. These records will be confidential and retained in accordance with the disciplinary procedure.

Informal discussions should be recorded in one to ones.

12 MONITORING AND REPORTING

Compliance and effective implementation of this policy will be monitored by the Human Resources department.

13 IMPLEMENTATION AND TRAINING

It is important that all managers know clearly what is required of them. The organisation will therefore ensure that an up to date copy of this Policy and Procedure are available for all employees to access on a shared platform. Training on the disciplinary process, which includes performance management guidance, will be available to all managers to ensure that they are aware of their responsibilities under this policy and procedure.

14 POLICY REVIEW STATEMENT

This policy will be reviewed every three years or earlier if appropriate.