

Wiltshire Council Human Resources

Improving Work Performance Policy and Procedure

This policy can be made available in other languages and formats such as large print and audio on [request](#).

What is it?

Employees are expected to perform to the best of their ability at all times.

This policy and procedure covers employee performance issues which are the result of a lack of skill, aptitude, knowledge or experience. It also applies to performance issues relating to a mental or physical impairment as defined by the disability discrimination act 1995 and as amended by the Equality Act 2010 where the employee is at work and is not off sick or away from work for a reason connected with their disability.

The policy covers how employees will be managed consistently, fairly and effectively, the overall objective being to support the employee in achieving a satisfactory level of performance in the role.

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There is also a [toolkit of documents](#) including letter templates and guidance notes to use when following this policy and procedure.

Who does it apply to?

This is a harmonised policy and applies to all Wiltshire Council employees (with the exception of teaching and non-teaching staff employed in locally managed schools) including TUPE'd ex-district employees.

In matters which involve the chief executive, corporate directors and service directors, this policy and procedure must be read in conjunction with their JNC terms and conditions of employment and [wiltshire council's constitution](#).

When does it apply?

This policy and procedure will apply in cases of poor performance, where employee performance is not to the standard required in the role. It should be followed where 1-1 meetings with the employee and any corrective action taken have failed. The employee should have been informed that there are issues with their performance before this policy and procedure is implemented.

This policy and procedure should be used where an employee is not performing in the role for a health-related reason and where the employee is at work and is not currently off sick or away from work for a reason connected with their disability.

When does it not apply?

This policy and procedure does not apply in cases of alleged misconduct or unacceptable behaviour deemed to be wilful or deliberate. If an employee is capable of performing in their role but refuses to do so, the [disciplinary policy and procedure](#) should be followed.

This policy and procedure does not apply to new employees still in their probationary period. Refer to the [probationary periods policy and procedure](#).

This policy and procedure does not apply where an employee is absent from work for a health-related reason and is off sick or away from work for a reason connected with their disability, for short or long periods of time. In this case the [absence management policy and procedure and procedure](#) should be used.

What are the main points?

1. You are expected to demonstrate and maintain an acceptable level of performance in your role.
2. The improving work performance policy and procedure should only be initiated when the normal management tools of 1-1 meetings or processes seeking to improve performance have not been successful.
3. There are two stages in the improving work performance procedure, the informal and the formal stages. It may not be necessary to follow the formal stage if issues to address performance are achieved through the informal stage.
4. The normal review period between informal and formal meetings under this policy will be four weeks. Depending on the nature of the issues being addressed, your manager may decide to plan for a longer review period of up to twelve weeks with you.
5. Your manager will maintain a written record of all meetings and outcomes and a copy will be given to you. You will be invited to review meeting notes and sign them as a record of the meeting. Where you do not agree, you may record any differences of opinion at the end of the meeting notes.
6. Specific objectives and goals for improvement will be set with you at each formal review meeting during the process.
7. Employees will be treated fairly during the improving work performance procedure and a consistent process will be followed and applied without regard to gender, sexuality, race, ethnic or national origin, gender reassignment, age, marital status, pregnancy or disability (otherwise known as protected characteristics).
8. If you feel you need support with interpreting this policy, refer to [equal opportunities in improving work performance](#) and [guidance for managers – giving advice on policies](#). You may also want to refer to the [dignity at work policy](#).

How will under performance at work be identified?

9. Under performance at work may be identified via:
- your own acknowledgement that you are finding the role difficult;
 - comments from customers or colleagues;
 - observation by your manager;
 - experience of your work;
 - complaints about your work;
 - performance reviews undertaken as part of the [appraisal procedure](#).
10. The improving work performance procedure should only be followed when steps put in place by your manager to address issues in your performance have failed.
11. Your manager will seek the advice of an HR advisor before commencing this procedure.

Stage 1 - Informal stage

12. The purpose of the informal stage is to give you the chance to improve your performance in the areas outlined by your manager, without moving to the formal stage.

Step 1 - Establish the facts

13. Your manager will prepare a summary of the evidence of the gaps in performance, with examples. This will include what support may have been given so far. Your manager will use the [improving work performance review template](#) to do this.
14. This review will be undertaken comparing your performance in the role against the [job description and person specification](#) as well as any objectives set for your role – refer to [managers guide – setting objectives with employees](#).

Step 2 - Invite to informal meeting

15. Your manager will invite you to a meeting – [invite to informal meeting](#) - to discuss your performance. You will be given a minimum of 5 working days notice to attend.
16. You will be provided with a copy of this policy and procedure prior to the meeting as well as [employee guidance –improving work performance](#).

17. You do not have the right to be accompanied at this stage, but any such requests will be considered on a case by case basis.
18. If you have a protected characteristic which requires an adjustment in order for you to attend meetings, your manager must make any reasonable adjustments before meetings are held. Refer to [equal opportunities in improving work performance](#).

Step 3 – The informal meeting

19. Your manager will explain where your performance is not meeting the requirements of the role, providing specific, timely and recent examples.
20. Your manager will give advice on the improvements that will need to be demonstrated in order to meet the standards required in the role. This may include the setting of objectives.
21. You will be given the opportunity to explain your views.
22. If you feel you require additional training or support, or there are other issues affecting your performance, you should make your manager aware.
23. You may also seek outside advice and support from a union representative or other official.
24. If you have a protected characteristic, it may be that you require [reasonable adjustments](#) at work. Depending on the nature of the issue, your manager will discuss with you the need for a referral to be progressed to [occupational health](#) for further support and appropriate recommendations.

Step 4 – Outcome of meeting

25. After the meeting, your manager will confirm to you in writing:
 - what specific improvements are required in your performance and how success will be measured;
 - what support or additional training you may need;
 - whether [reasonable adjustments](#) need to be made to your role and/or working environment;
 - dates for regular 1-1 meetings;
 - a date for a review meeting set for 4 weeks time.

26. This information will be confirmed in writing within 5 days - [follow up from informal meeting](#). A copy of this letter will be sent to the HR advisor.
27. If there are a number of issues to address, different review dates may be agreed according to the nature of the issues being addressed. It may be necessary to target priority areas first and to add other areas to be addressed as you make progress.

Step 5 - Informal Review Meeting – 4 weeks

28. At the first and (if necessary) subsequent review meetings, there will be one of three possible outcomes:

<p>Option 1 – Acceptable performance</p> <ul style="list-style-type: none"> • If your performance has now reached an acceptable level of performance, your manager will explain the need to maintain your performance consistently. • Your manager will confirm the procedure is at an end – end of improving work performance procedure. • Your manager will send a copy of this letter to the HR advisor.
<p>Option 2 – Some progress has been made.</p> <ul style="list-style-type: none"> • If some progress has been made, a new review date will be arranged for 4 weeks time. • This option may be repeated before proceeding to option 3 of the informal stage. The number of times it is repeated will depend on the nature of the issues being addressed.
<p>Option 3 – No improvement or progress made</p> <ul style="list-style-type: none"> • The procedure will move to stage 2 the formal stage.

Stage 2 - Formal Stage

Step 1 – Invite to formal meeting

29. Your manager will invite you to a formal improving work performance review meeting. You must receive a minimum of ten clear working days' notice in writing – [invite to formal meeting](#).

30. Your manager will provide you with a copy of any documents which will be referred to at the meeting.
31. You have the right to be accompanied to formal meetings – [guidance notes – the right to be accompanied](#).
32. You should submit any documents you wish to be considered to your manager at least 24 hours in advance of the meeting.

Step 2 – The formal meeting

33. Your manager will present the nature of the issues in your performance to you and how specific requirements of the role and objectives have not been met.
34. You will be given the opportunity to respond to your manager's concerns and to ask any questions.
35. The meeting will adjourn in order for your manager to consider what action to take.

Step 3 – Confirmation of outcome of meeting

36. The meeting will be reconvened and the outcome confirmed verbally to you. The outcome will be confirmed in writing to you within five working days.
37. There will be one of three possible outcomes:

Option 1 – An end to the procedure

- If you have presented new evidence which warrants a halting of the procedure, your manager will confirm to you the need to maintain an acceptable level of performance.
- Your manager will confirm the procedure is at an end - [end of improving work performance procedure](#).
- Your manager will send a copy of this letter to an HR advisor.
- If your performance deteriorates again within the next 6 months, this may mean your manager will commence the improving work performance procedure from the formal stage.

Option 2 – Further extension – 4 weeks

<ul style="list-style-type: none"> • There may be extenuating circumstances which will warrant a further extension to the formal review period – see managers guide to improving work performance. A further review meeting may be set for 4 weeks time.
<ul style="list-style-type: none"> • If your performance is now satisfactory, your manager will remind you of the need to maintain the required standard.
<ul style="list-style-type: none"> • Your manager will confirm the procedure is at an end – end of the improving work performance procedure.
<ul style="list-style-type: none"> • Your manager will send a copy of this letter to the HR advisor.
<p>Option 3 – Written warning</p>
<ul style="list-style-type: none"> • If your manager feels a written warning is warranted, they will confirm this in writing to you - written warning letter. • Your manager will send a copy of this letter to an HR advisor. • A formal review date will be set for 4 weeks time. • You have the right to appeal against the decision to issue a written warning in line with the council's appeals policy and procedure. Your manager will provide you with a hard copy of this policy and procedure.

Step 4 - Formal Review Meeting – 4 weeks review

38. A formal review meeting will be held after 4 weeks.
39. You have the right to be accompanied to formal meetings – [guidance notes – the right to be accompanied](#).
40. There will be one of two possible outcomes:

<p>Option 1 - An acceptable level of performance has been reached</p>
<ul style="list-style-type: none"> • If your performance has improved, your manager will remind you of the need to maintain the required standard. • Your manager will confirm the procedure is at an end in writing to you – end of the improving work performance procedure.

- Your manager will send a copy of this letter to an HR advisor.
- If your performance deteriorates again within three months of the end of the procedure, this may mean your manager will commence the improving work performance procedure from the beginning of the formal stage. Refer to the [managers guide to improving work performance](#).

Option 2 - Performance has not improved or has deteriorated – final written warning

- If performance has not improved or has deteriorated, you will be issued with a final written warning - [final written warning](#).
- Your manager will send a copy of this letter to an HR advisor.
- You should be aware that the next stage in the formal process could lead to an improving work performance hearing which could result in your dismissal.
- A further formal review meeting will be arranged for 4 weeks time.
- You have the right to appeal against the decision to issue you with a final written warning in line with the council's [appeals policy and procedure](#). Your manager will provide you with a hard copy of this policy and procedure.

Step 5 - Formal Review Meeting - 4 weeks

41. A formal review will be held. There are two possible options:

Option 1 - an acceptable level of performance has been reached

- If performance has improved, your manager will confirm the procedure is at an end in writing to you – [end of the improving work performance procedure](#).
- Your manager will send a copy of this letter to an HR advisor
- Your manager will remind you of the need to maintain the required standard.
- If your performance deteriorates again within three months, this may mean your manager will commence the improving work performance procedure from any of the stages outlined above.

Option 2 - performance hearing

- Your manager may decide to call a improving work performance hearing chaired by the head of service or their nominated deputy.
- Your manager will prepare a [improving work performance hearing case](#) which will be presented to the head of service who will make the decision as to whether to convene a work performance hearing.

Step 6 – work performance hearing

42. Your manager will arrange this meeting and will confirm the meeting to you - [invite to work performance hearing](#).
43. You have the right to be accompanied to this meeting – [guidance notes on right to be accompanied](#).
44. Both you and your manager will be able to present your points of view, including details of meetings held and steps taken to seek an improvement in your performance.
45. The chair of the meeting will undertake a review of all documentation and the steps taken to date, as well as the views of both you and your manager.
46. There will be a break in the meeting to consider all the options. The meeting will be reconvened and the outcome confirmed verbally to you. This will be followed up in writing within five working days. There will be one of five options:

Option 1 - suspension of the procedure – satisfactory performance

- The chair of the meeting will confirm this in writing to you – [outcome of performance hearing](#).
- A copy of this letter will be send to the HR advisor.

Option 2 - further formal review meeting of 4 weeks hence

- A further review meeting will be held after 4 weeks with the chair of the work performance review meeting. The chair of the meeting will confirm this in writing to you – [outcome of improving work performance hearing](#).
- If your performance is still not acceptable at this point, the chair of the meeting will decide that any of the options 1 to 5 under this section of the policy may apply.

- Your manager will send a copy of this letter to the HR advisor.

Option 3 - redeployment

- In discussion with the HR advisor and the recruitment manager, the option of redeployment into another role will be investigated and discussed with you.
- It may not be possible to arrange redeployment into an alternative role on exactly the same terms and conditions as you currently have.
- If no other roles are found to be available, and after a period equivalent to your contractual notice period, the head of service may make the decision to invoke one of the other options under step 6 of this policy.
- The recruitment team will confirm the offer in writing to you.
- For further information see – [redeployment policy and procedure](#)

Option 4 – dismissal

- You will be dismissed with immediate effect - [outcome of work performance hearing](#). You will receive payment in lieu of notice.
- Your manager will follow the [leaving the council policy](#).
- You will be required to return all company property with immediate effect.

Option 5 - ill health retirement

- Ill health retirement may only be considered where the criteria required for qualification for ill health retirement as assessed by occupational health are met. Your manager will seek advice from [occupational health](#).
- If you belong to the local government pension scheme (LGPS) and have the required length of membership to the scheme then you may be considered for an application for ill health retirement.
- You will need to meet specific criteria set by the LGPS and your manager will refer to the [retirement information](#) or seek advice from the pensions service.
- Adequate time needs to be allowed for receipt of the report from occupational health.

Additional Information:

Failure to attend meetings

47. If you are unable to attend an arranged meeting you should inform your manager as soon as possible. If you are unable to attend due to circumstances outside of your control the meeting will be re-arranged.
48. If you do not attend the meeting, you are expected to contact your manager to rearrange the meeting. If you do not make contact on or before the original meeting date your manager will attempt to contact you to establish the reason for your non attendance.
49. A further meeting date will be scheduled and you will be notified of this date in writing. At this stage you will also be notified that failure to attend this meeting without prior arrangement, may lead to a decision being taken, in your absence, on the basis of the available evidence.
50. If failure to attend a meeting is due to sickness absence an occupational health appointment will be arranged to obtain advice on your fitness to attend the meeting.

Hay grade increments

51. For employees on hay grades, your manager reserves the right not to award a salary increase if you are the subject of this policy.

Disability

52. The Equality Act 2010 defines a disabled person as someone 'who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities'. Long-term is defined as a condition which continues for 12 months or more. Your manager will seek advice from the HR advisor and this would usually result in an occupational health referral to provide appropriate advice and recommendations for your support.
53. If you feel there may be a health issue which is affecting your ability to carry out your role to a satisfactory level, you should raise this with your manager. Your manager must seek the advice of an HR advisor.
54. Further information is contained in the [managers guide to improving work performance](#) as well as [equal opportunities in improving work performance](#).
55. You may declare your disability and find further information on your rights under the Equality Act 2010 here: [disability declaration form](#).

Disability and time off to attend appointments

56. If you have a disability as defined by the Equality Act 2010 you may request to take time to attend an appointment relating to your disability. Refer to the [absence management policy](#).

Written records

57. A record of the documentation relating to the case must be retained and copied to the HR advisor and will include:
- the details of the shortfall in performance standards
 - agreed objectives with written evidence of whether these have been achieved
 - the employee's views
 - letters issued to the employee
 - findings made and actions taken and by whom
 - the reason for any actions taken
 - whether an appeal was lodged and the outcome
 - subsequent relevant developments
 - notes of any formal meetings
 - any grievance raised during the improving work performance process
 - meetings and reports from occupational health.
58. Copies of documents may be provided in an alternative format by contact the policy and reward team within HR.

Roles and Responsibilities

Line manager responsibilities

59. To follow this policy and procedure and apply in a fair and consistent way.
60. To involve HR at an early stage and to liaise with HR at all key stages to ensure consistency of application of the procedure.
61. To focus, first and foremost, on achieving an improvement in the employee's performance and to put measures in place to support the employee.
62. To understand and manage this process and ensure that the process is clearly communicated to the employee.

63. To send copies of all documentation to an HR advisor – see [manager guide to improving work performance](#).
64. To adhere to the council's equal opportunities policy and procedure.
65. To consider equality and diversity implications and to make any reasonable adjustments in the workplace, if needed.
66. To ensure that appropriate action is taken in the light of occupational health advice.

Employee's responsibilities

67. It is expected that you will perform to the best of your ability at all times. If performance issues are identified, it is your responsibility to listen carefully to the feedback given and seek to understand where you need to improve. There should be mutual cooperation towards achieving the plan.
68. You should attend all review meetings.
69. You should work hard towards the targets/objectives set by your manager and to undertake any additional training provided.
70. You may seek advice from external bodies such as a trade union where you feel you need further support or advice.
71. It is recognised that being the subject of the improving work performance procedure may be difficult. You are encouraged to seek support and advice from an external body (such as a trade union).
72. To declare a disability if you feel that reasonable adjustments need to be made.

Occupational health's responsibilities

73. To provide support for the employee through a health assessment following a management referral.
74. To provide information, advice and support to the manager about health related issues.
75. Occupational health is not responsible for implementing a resolution to address performance issues. It is the responsibility of the manager to ensure that appropriate action is taken in the light of occupational health advice.

HR's responsibilities

76. The role of HR is to provide advice and guidance on the improving work performance procedure.

Frequently Asked Questions

- 77. I have been told that I am not performing well in my role. I work hard so I do not understand why this is happening.**

It is understandable that if you are told that you are not performing to the required standard in one or more aspects of your role, this may come as a shock. It is the council's intention that employees understand, at an early stage, if there are issues in their work so that they may be given the opportunity to discuss this and to agree a plan to address the issues. This is not a punitive measure. This policy and procedure is designed to make sure you receive the right support, in order to help you. Ultimately, however, there are consequences if you fail to improve, one of which could be dismissal.

- 78. Who will know about this apart from my manager?**

The process will be kept confidential between you, your manager and the HR advisor. Your work colleagues will not be informed however supervisors may be informed on a need to know basis.

- 79. What support can I expect?**

The process is designed to make sure you receive the right support at the right time to get you back on track. This support may take the form of meetings with your manager, additional training, specific training courses or adjustments to your role and may involve occupational health. You will discuss and agree any additional support and training with your manager.

- 80. Can I take external legal advice?**

You may seek advice from a union at any stage in the process. During the formal process, you have the right to be accompanied by a trade union official or by a willing fellow Wiltshire Council employee. You may not be accompanied by either a family member or a solicitor.

- 81. What if I find it difficult to attend meetings with my manager?**

You may contact your manager's manager in order that someone at the council may be assigned to support you through this process. Refer to [equal opportunities in improving work performance](#) for further information. You may also refer to the [dignity at work policy](#).

82. I have asked a colleague to support me through this process but s/he wants to understand what their role would be.

Your work colleague is there to support you during the meeting. They may make representations on your behalf but may not respond to questions put to you during the meeting. Refer to [guidelines to the right to be accompanied](#).

83. What will happen to the documents written about me such as reviews and letters?

Copies will be given to HR to hold and your manager will hold copies. All copies will be held confidentially.

84. What if I believe I have a medical condition which is affecting my performance?

If you feel you have a condition which is affecting your performance, you should discuss this with your manager at the earliest opportunity who will seek the advice of occupational health. It may be that you will need to be assessed by occupational health in order for the nature of your condition to be better understood. Adjustments may need to be made in the workplace or to your role. You may declare a disability here: <http://hr.wiltshire.gov.uk/commitment-to-disability-at-work-self-declaration-form.rtf>

85. What if I do not agree with the decisions made by my manager?

You have the right of appeal against a decision to issue a written warning, a final written warning or against the decision to dismiss you – [appeals policy and procedure](#).

86. Will my pay or benefits be affected whilst I am going through this procedure?

No, there will be no change to your pay and benefits. However any agreement regarding home working may be suspended.

87. I currently work part time at home and my manager would like me to work all of my working hours in the office.

If you are currently being taken through the improving work performance procedure, your manager may ask you to work in the office and reserves the right to suspend any agreement to working some hours at home. This is to assist monitoring of your work and to help you achieve the required standard in your role.

- 88. I have been offered a role as part of this policy and procedure which is a suitable alternative role. The role is on lower pay and different terms to the role I currently have. Am I obliged to accept this role?**

Redeployment into an alternative role will only happen with your agreement however if you agree to transfer to the new role, it will be on the terms and conditions including pay offered for the role.

- 89. I am currently on pay protection and have been offered a suitable alternative role. Will my pay continue to be protected?**

No, if you accept the new role it will be on the terms and conditions which are associated with the new role. However if you have been subject to this policy because of a disability-related reason and have been offered an alternative role, your manager together with HR may take the decision to continue with pay protected for an agreed period of time.

Definitions

Performance gap	When reviewed against the job evaluation questionnaire, there are gaps between what is required in the role compared to the employee's performance.
Disability	As defined by the Equality Act 2010: 'a physical or mental impairment which has a substantial and long-term adverse effect on the person's ability to carry out normal day to day activities'.
Reasonable adjustments	For example, the introduction of new equipment; changing working arrangements; making changes in the working environment; changing attitudes e.g.: providing mental health awareness training.
Disciplinary policy	This policy and procedure is to be used where an employee is wilfully disregarding instructions or deliberately refusing to carry out specific instructions.
Appeal	An employee has a right under this policy to appeal against a written warning, a final written warning or a decision to dismiss them.

Informal Stage	The first stage in the improving work performance procedure.
Formal Stage	The second stage in the improving work performance procedure.
Dismissal	The termination of the contract of employment by the council.

Legislation

- The Equality Act 2010
- The ACAS statutory code of practice (April 2009)

This policy and procedure has been reviewed by an internal legal organisation to ensure compliance with the above legislation and our statutory duties.

Equal Opportunities

This policy and procedure has been Equality Impact Assessed ([EIA for improving work performance policy and procedure](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated equally. For further information see the guidance on [equal opportunities in improving work performance](#).

For further advice and information

For further information please speak to your manager, corporate director or contact a member of your local HR advisor.

- [disciplinary policy and procedure](#)
- [probationary periods policy and procedure](#)
- [absence management policy and procedure](#)
- [employee wellbeing programme](#)
- [equality and diversity policy and procedure](#)
- [grievance policy and procedure](#)
- [appeals policy and procedure](#)
- [redeployment procedure](#)
- [ill health retirement policy and procedure](#)
- [dignity at work policy](#)

Toolkit

- [managers guide – improving work performance](#)
- [managers guide – setting objectives with employees](#)
- [flowchart – improving work performance](#)
- [employee guide – improving work performance](#)
- [equal opportunities in improving work performance](#)
- [template – improving work performance review](#)
- [template letter – invite to informal meeting](#)
- [template letter – follow up from informal meeting](#)
- [template letter – invite to formal meeting](#)
- [template letter – written warning](#)
- [template letter – final written warning](#)
- [template letter – dismissal](#)
- [template letter – invite to work performance hearing](#)
- [template | template letter – outcome of work performance hearing](#)
- [letter – end of improving work performance procedure](#)
- [sanctions](#)

Confidentiality of employee information

Data collected will be processed in accordance with the Data Protection Act 1998.

Policy author	HR Policy and Reward Team – MCL
Policy last updated/implemented	Draft version 1.