

# Performance Management Policy



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<b>Related documents</b>	Safeguarding Policy Positive Behaviour Policy AP Contract AP Service Level Agreement

## Approval History

Version	Reviewed by	Amendment History	Approved by	Date
1.0	Jane Sullivan	First draft	Alan Bowe	01/03/22
1.1	Katharine Jane	Updated for charity status	Jane Sullivan	18/7/22
1.2	Andrew Counsell	Reviewed – no update needed	Katharine Jane	11/3/24

## Purpose

The purpose of the performance management policy is to provide an appropriate framework within which to manage the performance of employees.

## Scope

This policy applies to all staff employed except sessional workers. For employees who have been absent for the majority of the year (maternity, sickness, sabbatical, furlough), it may not be appropriate to follow the standard supervision & appraisal procedures (please refer to the relevant section in this policy).

## Policy Statement

Newton Rigg Ltd recognises that performance management should be managed and implemented using tools, techniques and processes which are consistent with its values and comply with legal requirements. Newton Rigg Ltd expects all its employees to participate in the supervision and appraisal process positively and constructively, regardless of whether they are either conducting or receiving a supervision or appraisal. Please note that supervisions may also be known internally as 'one-to-one meetings' or 'catch-ups'. For the purpose of this policy, the term "supervision" is used.

## Policy and Procedure

The following are guidelines which should be followed when implementing an employee supervision and appraisal process at Newton Rigg Ltd.

## Who conducts them

Both supervisions and appraisals should normally be conducted by the employee's line manager or someone who has management responsibility for the employee. The manager may seek feedback from other people who work with the employee or for whom the employee has undertaken work in order to inform at both the supervision and appraisal. The manager may also invite the Board of Trustees to take part in the meeting.

### **When they take place**

Employee reviews should be conducted in line with the timetable set by the line manager in collaboration with the Chair of Trustees. Appraisals normally take place after 3, 6, and 12 months in the first year of employment and then at least every 12 months thereafter. Supervisions will take place regularly at 12-week intervals.

### **Preparing for the appraisal**

The employee will be given sufficient notice (ordinarily 2 weeks) of the review date therefore giving them time to prepare for the meeting. When notifying the employee of the appraisal date, the manager will provide the employee with a self-assessment form to give them the opportunity to evaluate their progress during the period since the last appraisal or since the start of employment. The employee is responsible for ensuring that they complete the self-assessment form prior to attending the meeting. Employees must also make sure that they can provide their manager with evidence of their performance and any achievements made.

### **The appraisal meeting**

The appraisal should normally be conducted as a one-to-one meeting between the individual and their manager. If appropriate an external assessor or observer may also attend the meeting. Once arranged, the manager should ensure the meeting takes place on time with no interruptions. Meetings should only be postponed for exceptional reasons and should take place as soon as possible and ideally within two weeks of the original date for the meeting. As a guide, appraisal meetings are unlikely to be less than one hour but will vary with the complexity of the review. Appraisal and supervisions must take place in a private environment where any matters discussed can be kept confidential and arrangements should be made so that there will be no telephone or other interruptions during the meeting. The format of the appraisal will depend on the process in place within the employee's department. This should incorporate recognition of the employee's achievements and contributions to their department and a discussion of the employee's own self-assessment and any development needs. In addition, the manager and employee should review performance against the objectives they set themselves during their previous appraisal and will agree objectives for the forthcoming 6 months. Both appraisals and supervisions are an opportunity for open discussion and the manager should ensure that the employee can talk freely about areas where they have not performed as expected or the reasons why they have not had the opportunity to complete some objectives as well as about the more positive aspects of their performance.

### **Written employee appraisal record**

A written record of the meeting should be drawn up and signed by both the manager and employee. The employee has the right to correct any factual errors in the appraisal meeting. If the employee disagrees with the manager's judgment, they should be given the opportunity to record such comments but the manager need not change their judgment if they believe it to be fair and supportable. The statement should include a summary of all the points covered, any action agreed and set out the objectives for the forthcoming period. It should also identify any support needed and how this will be met. A copy of the written record should be given to the employee and a copy kept on the personnel file.

## **A continuous process through supervisions**

Performance management is a continuous process of which the employee appraisal meeting is a part. The appraisal should not contain any information that should have been discussed with the employee during supervisions throughout the year. Supervisions allows the employee to have face-to-face time with their manager to speak openly about what is going well and what is not. Any changes, support or development needed should be agreed and put in place to ensure the employee is able to achieve their objectives. The purpose of these meetings is to maintain contact between the employee and manager, to review performance together and to develop and build upon a trusting working relationship that will facilitate openness and honesty on a day-to-day basis. It is advisable to record any agreements made or any significant discussions for future reference.

## **For employees who have been absent for the majority of the year (e.g. maternity, sickness, sabbatical, furlough)**

When the employee returns to work, the manager should hold a “back to work” meeting with them to discuss what support is needed to reintroduce them to the workplace and to agree objectives. At this time, previous objectives should also be considered in the context of what was reasonable for the employee to have achieved whilst they were at work. A formal appraisal will then be held as usual in the supervision and appraisal cycle.

## **Disputes arising from a supervision or appraisal**

If the employee feels that the feedback they have received from their manager has been unduly negative, or disputes the assessment of their performance then they should discuss their concerns further with their manager to determine the reasoning for the feedback, and if possible the employee should provide evidence for their views.

## **Identifying performance issues**

In the first instance, performance issues should normally be dealt with informally between the employee and their line manager as part of day-to-day management. Where appropriate, a note of any such informal discussions may be placed on the employee’s file but will be ignored for the purposes of any future capability hearings. Informal discussions may help to:

- Clarify the required standards
- Identify areas of concern
- Establish the likely causes of poor performance and identify any training needs and/or
- Set targets for improvement and a timescale for review.

Employees will not normally be dismissed for performance reasons without previous warnings. However, in serious cases of gross misconduct, or in any case involving an employee who has not yet completed their probationary period, dismissal without previous warnings may be appropriate.

If the line manager has concerns about an employee’s performance, they will undertake an assessment to decide if there are grounds for taking formal action. The assessment will depend on the individual circumstances but may involve reviewing a personnel file including appraisal records, gathering relevant documents, monitoring work and, if appropriate, interviewing the employee and/or other individuals confidentially regarding their work.

Newton Rigg Ltd has a zero tolerance on poor behaviour and attitude, including disrespecting colleagues. Line managers will raise any concerns with an individual staff member if they show

poor behaviour and/or attitude, including disrespecting colleagues. This will be recorded and discussed at the earliest opportunity through supervision one-to-one. If the poor behaviour and attitude continues, then a formal capability procedure will be used.

Consideration will be given as to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to working conditions, including changing duties or providing additional equipment or training. If the employee wishes to discuss this or inform us of any medical condition they consider relevant, they should contact their line manager. Our aim is to deal with performance matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an employee who is subject to a capability procedure. The employee, and anyone accompanying them (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure. The employee will normally be told the names of any witnesses whose evidence is relevant to the capability hearing, unless we believe that a witness's identity should remain confidential.

### **Stage 1: pre-hearing**

If we consider that there are grounds for taking formal action over alleged poor performance, the employee will be required to attend a capability hearing. We will notify them in writing of our concerns over their performance, the reasons for those concerns, and the likely outcome if we decide after the hearing that their performance has been unsatisfactory. We will also include the following where appropriate:

- A summary of relevant information gathered as part of any investigation.
- A copy of any relevant documents which will be used at the capability hearing.
- A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give as much information as possible while maintaining confidentiality.

We will give the employee written notice of the date, time and place of the capability hearing. The hearing will be held as soon as reasonably practicable, but they will be given a reasonable amount of time (usually two to seven days) to prepare a case based on the information they have been given. The employee may bring a companion to any capability hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague who also works for Newton Rigg Ltd. The employee must tell the manager conducting the hearing who their chosen companion is, in good time before the hearing (two to seven days).

- A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.
- If we consider the choice of companion is unreasonable we may require you to choose someone else, for example: –
  - If in our opinion your companion may have a conflict of interest or may prejudice the hearing; or –
  - If your companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days.

We may, at our discretion, allow a companion who is not a colleague or union representative (for example, a member of the employee's family) where this will help overcome a particular difficulty caused by a disability, or where the employee has difficulty understanding English.

The companion may make representations, ask questions, and sum up the case, but will not be allowed to answer questions on the employee's behalf. The employee may confer privately with their companion at any time during the hearing.

If the employee or the employee's companion cannot attend the hearing they should inform us immediately and we will usually arrange an alternative time.

The employee must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If the employee fails to attend without good reason, or are persistently unable to do so (for example, for health reasons), we may have to take a decision based on the available evidence.

The employee may ask relevant witnesses to appear at the hearing, provided they give us sufficient advance notice to arrange their attendance. The employee will be given the opportunity to respond to any information given by a witness. However, they will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, we decide that a fair hearing could not be held otherwise.

## **Stage 2: the hearing**

The capability hearing will usually include:

- Setting out the required standards that we believe the employees may have failed to meet and going through any relevant evidence that we have gathered.
- Allowing the employee to ask questions, present evidence, call witnesses, respond to evidence and make representations.
- Establishing the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement.
- Identifying whether there are further measures, such as additional training or supervision, which may improve performance.
- Where appropriate, discussing targets for improvement and a timescale for review. If dismissal is a possibility, establishing whether there is any likelihood of a significant improvement being made within a reasonable time and whether there is any practical alternative to dismissal, such as redeployment.

A hearing may be adjourned if we need to gather any further information or give consideration to matters discussed at the hearing. The employee will be given reasonable opportunity to consider any new information obtained before the hearing is reconvened.

We will inform the employee in writing of our decision and our reasons for it as soon as possible usually within one week of the capability hearing. Where possible we will also explain this information to the employee in person.

## **Stage 3: first written warning or improvement note**

Following a capability hearing (stage 2), if we decide that the employee's performance is unsatisfactory, we will give them a first written warning or an improvement note, setting out:

- The areas in which they have not met the required performance standards.
- Targets for improvement.
- Any measures, such as additional training or supervision, which will be taken with a view to improving performance.
- A period for review.
- The consequences of failing to improve within the review period, or of further unsatisfactory performance.

The warning or improvement note will normally remain active for six months from the end of the review period, after which time it will be disregarded for the purposes of the capability

procedure. After the active period, the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of future capability proceedings.

- The employee's performance will be monitored during the review period and we will write to inform them of the outcome.
- If the line manager is satisfied with performance, no further action will be taken.
- If the line manager is not satisfied, the matter may be progressed to Stage 4; or
- If the manager feels that there has been a substantial but insufficient improvement, the review period may be extended.

#### **Stage 4: final written warning**

If the employee's performance does not improve within the review period set out in a first written warning or an improvement note, or if there is further evidence of poor performance while the first written warning or improvement note is still active, we may decide to hold a second capability hearing. We will send written notification of this.

As before the employee has the right to attend the hearing with a companion. The 2nd hearing will follow the same format as the first. Following a second capability hearing, if we decide that performance is unsatisfactory, we will give a final written warning, setting out:

- The areas in which the employee has not met the required performance standards.
- Targets for improvement.
- Any measures, such as additional training or supervision, which will be taken with a view to improving performance.
- A period for review.
- The consequences of failing to improve within the review period, or of further unsatisfactory performance.

A final written warning will normally remain active for 12 months. After the active period, the warning will remain permanently on the employee's personnel file but will be disregarded in deciding the outcome of future capability proceedings.

- Performance will be monitored during the review period and we will write to inform the employee of the outcome.
- If the line manager is satisfied with the performance, no further action will be taken.
- If the line manager is not satisfied, the matter may be progressed to a final capability hearing or
- If the manager feels that there has been a substantial but insufficient improvement, the review period may be extended

#### **Stage 5: dismissal or redeployment**

We may decide to hold a 3rd capability hearing if we have reason to believe:

- Performance has not improved sufficiently within the review period set out in a final written warning.
- Performance has been unsatisfactory while a final written warning is still active or
- Performance constitutes gross misconduct such as to warrant dismissal without the need for a final written warning.

We will send written notification of the hearing. The hearing will follow the same format as previous hearings and the employee has the right to a companion to attend if they wish.

Following the hearing, if we find that performance is still unsatisfactory, we may consider a range of options including:

- Dismissal.
- Extending an active final written warning and setting a further review period (in exceptional cases where we believe a substantial improvement is likely within the review period).
- Giving a final written warning (where no final written warning is currently active).

The decision must be authorised by a senior manager. Dismissal must be authorised by the Chair of Trustees. Dismissal will normally be with full notice or payment in lieu of notice, unless performance has been so negligent as to amount to gross misconduct, in which case we may dismiss the employee without notice or any pay in lieu thereof.