

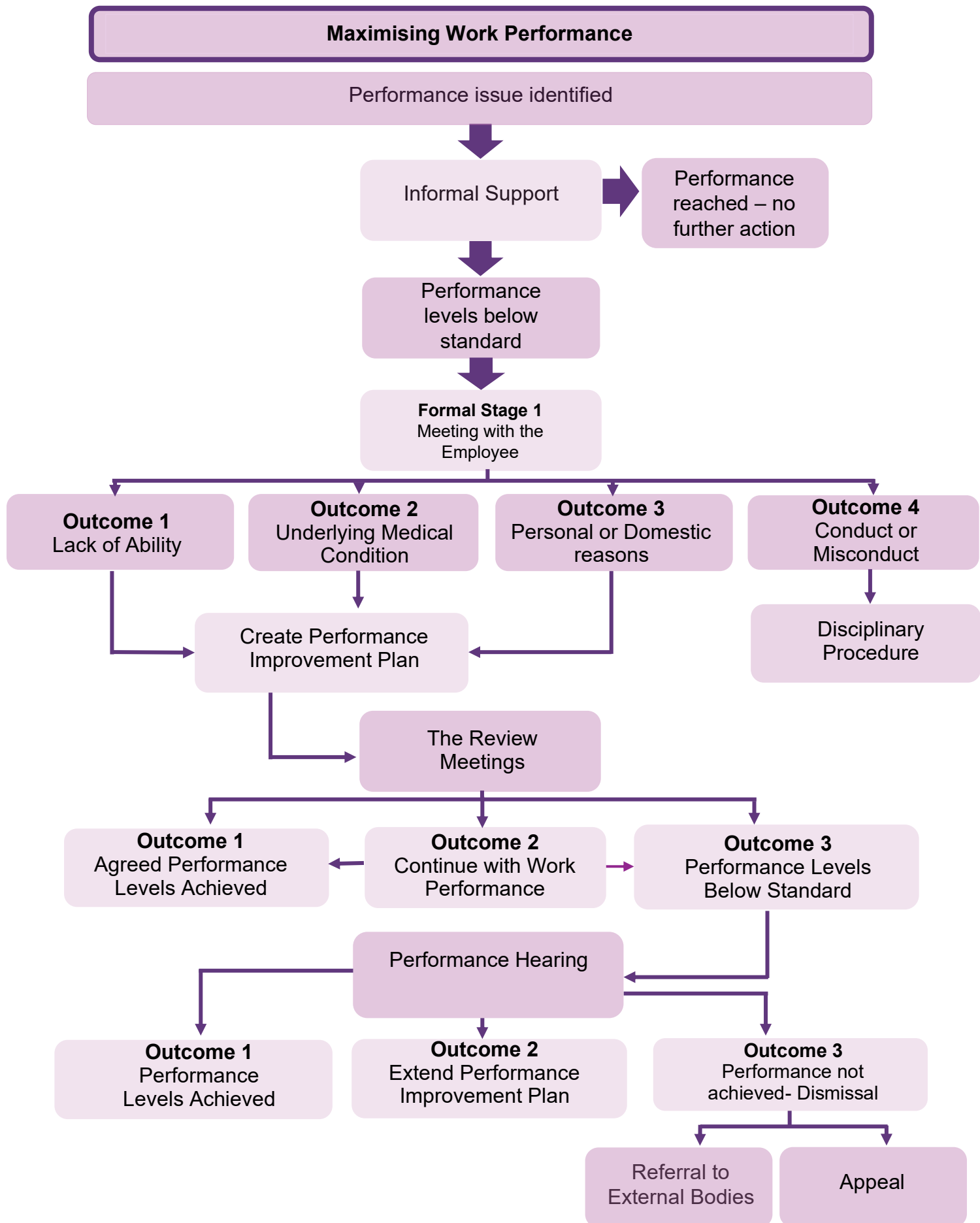


# Maximising Work Performance

---

Review Date: 20 October 2023

## Summary



## Contents

Procedure Rationale.....	1
Introduction .....	1
Identifying A Performance Issue .....	3
Formal Procedure.....	4
Stage 1: Meeting with the Employee.....	6
Outcome 1: Lack of Ability .....	6
Outcome 2: Underlying Medical Condition .....	6
Outcome 3: Personal and/or other Domestic Reason .....	7
Outcome 4: Conduct or Misconduct .....	7
Stage 2: Performance Improvement Plan.....	8
Stage 3: The Review Meetings .....	9
Outcome 1: Agreed Performance Levels Achieved .....	10
Outcome 2: Continuing with the Work Performance where appropriate .....	10
Outcome 3: Performance Levels below Standard .....	10
Stage 4: Maximizing Performance Hearing .....	11
Outcome 1 – Performance Levels Achieved.....	12
Outcome 2 – Extended Performance Improvement Plan .....	12
Outcome 3 – Performance Levels Not Achieved – Dismissal .....	12
Stage 5: Referral to External Bodies.....	13
Stage 6: Appeal .....	13
Outcome 1 – Appeal not Upheld .....	13
Outcome 2 – Appeal Upheld.....	14
Document Revision History.....	15
Appendix One – The Resource Pack .....	16

## Procedure Rationale

Aberdeenshire Council aims to provide excellent services by finding new and efficient ways of working and always looking to the future. What this means for our employees is that we strive to attain the highest standards of performance and, where appropriate, will deal efficiently and effectively to maximise work performance through the application of this procedure. On occasion, situations may arise where an employee is not performing their duties to the level that is required to deliver the excellent services that enable us to be the best council. It is recognised that this can happen for a variety of reasons and this procedure seeks to provide a fair and consistent method of addressing issues of employee work performance through structured support. This procedure is intended to complement and safeguard employees' legal rights.

## Introduction

As a matter of good practice employees should consistently be kept advised of the work and standards expected of them through, for example, regular [one to one](#) meetings with their line manager, routine constructive feedback where appropriate, [PPP conversations](#), and job profile. When setting standards, line managers must ensure that expectations regarding quality of work and productivity are fair and realistic, and endeavour to make them objective and measurable. Line managers should follow [SMART](#) objectives when setting expectations within this procedure.

The [Competency Framework](#) gives line managers guidance on the acceptable standards and behaviours employees are required to demonstrate when undertaking their duties. It is acknowledged that the majority of employees perform at, or in excess of, the standards required and in doing so contribute effectively to the provision of the Council's services.

On occasion, however, issues of work performance will require to be addressed where an employee is consistently failing to carry out all or part of their duties to the standard expected of them; this may be due to a variety of reasons. Line managers should be aware that this procedure is one of support for an employee who may be struggling to sustain their performance; any instances of employee misconduct should be dealt with separately under the Disciplinary Procedure.

All employees have a duty to competently perform the job they are employed to do and, where necessary, should be given the required support, encouragement, and training to achieve this. Line managers are required to support employees maintain the expected work performance standards by addressing any issues at the earliest opportunity and making every attempt to address this informally.

Where an employee is considered to be failing to perform to the required standard, in all or part of their work, the matter should be discussed informally before any formal action is taken; please refer to the factsheet '[How to Approach a Work Performance Discussion](#)'. This can be in the form of an informal discussion which may quickly address the problem and subsequently no further action need be taken. A note should be made of this discussion and shared with the employee. At all stages the employee will be provided with advice, guidance, and support. This procedure focuses on the use of supportive interventions to enable satisfactory performance to be reached.

Please refer to the [Guidance for Employees](#) and [FAQs](#) for more information.

Maximising Work Performance may inter-link with three other procedures:

- [Attendance Management](#)

- [Disciplinary](#)

Where a work performance issue can be attributed to a medical reason, referral to Occupational Health may be appropriate under the Attendance Management Procedure.

- [Equality](#)

In cases of disability, advice must be sought from the HR Operational Team and Occupational Health to ensure progress in accordance with the Equality Act. Consideration should be given to reasonable adjustments that would support the employee to reach the required standard taking account of any underlying disability.

Where a work performance issue can be attributed to conduct, i.e. won't as opposed to can't, it is more appropriate for this to be dealt with under the Disciplinary Procedure.

### **Identifying A Performance Issue**

Unsatisfactory work performance can be identified in a number of ways, see examples below, and should be addressed at the earliest possible opportunity.

Feedback to the employee should be given in a calm and professional manner and can be in the form of an informal meeting/discussion which may easily address the problem and subsequently no further action may be required. It should be made clear to the employee that this initial meeting does not form part of the formal process, however if the issues are not resolved, then it could lead to the formal stages of this procedure being instigated. Any performance issues and agreed actions may be referred to and form the basis of progression to the formal stage.

It is the responsibility of the line manager to identify concerns with work performance and to make sure notes of these are taken to be used as examples when speaking to the employee. This information should be factual and detailed and should include the dates and, where appropriate, times of the recorded work performance concerns.

Examples of how work performance issues can be identified:

- Through informal discussions with the employee and/or other team members and colleagues.
- Manager or supervisor observations
- Feedback and/or complaints from other colleagues and/or customers.
- Failure to meet deadlines and/or targets
- Poor standards of work, e.g. frequent mistakes, not completing tasks, inability to follow reasonable instructions, low output.

If an informal approach does not resolve the issue(s) then the employee must be informed that the matter will be progressed to Stage 1 of the formal procedure.

## Formal Procedure

**Employees may be accompanied by a colleague or Trade Union representative at any or all formal stages of this procedure.**

Where the line manager has had informal discussion(s) with the employee regarding work performance and the situation has not improved, the line manager should follow the formal stages of this procedure.

The procedure is broken down into five stages:



**NB: Copies of any discussion notes and agreed actions as well as letters to the employee must be kept by the line manager in a confidential and secure location. Any letters or correspondence which relate to the formal part of the process should be retained in the employee's file in HR and removed at the designated time.**



## Stage 1: Meeting with the Employee

Having identified that the work performance issue(s) has not been resolved informally, the line manager should meet with the employee to consider the reason(s) behind the continuing work performance issues.

**An employee may be accompanied by a colleague or Trade Union representative at this meeting.**

The aim of this meeting is to:

- Advise the employee that they are not meeting the required standards of the post.
- Ensure that the employee is aware of the standards required.
- Establish the reason(s) for under performance.

There may be several potential outcomes to this meeting with the employee.

Contact should be made with the appropriate HR Adviser prior to the meeting to discuss any outcome and next steps as appropriate.

### Outcome 1: Lack of Ability

If the line manager concludes that the work performance issues are due to a lack of ability, then a Performance Improvement Plan should be scheduled as per Stage 2.

### Outcome 2: Underlying Medical Condition

If the line manager considers that the work performance issues are due to an underlying medical reason or disability, advice should be sought from the appropriate HR Adviser and consideration given to referring the employee to the council's [Occupational Health](#) provider. If occupational health determine that there is a medical reason for the underperformance, it may be more appropriate to support the employee under the Attendance Management Procedure.

This may not stop the formal maximising work performance procedure but will allow due consideration to any underlying medical reasons or disability that may need to be taken into account when providing ongoing support to an employee. This may include considering any reasonable adjustments in supporting an employee with a

disability; Aberdeenshire Council offer a range of supports and adjustments when managing disability in the workplace.

### **Outcome 3: Personal and/or other Domestic Reason**

In the case of work performance issues relating to a situation outside work, the line manager should endeavour to support the employee where possible. The employee should be encouraged to seek the appropriate guidance and consideration should be given to the [Employee Assistance Programme](#). The line manager may wish to pause the management of work performance until such supports have been accessed but this decision should be held under review on a regular basis, with the formal processes being initiated if underperformance continues. It may still be necessary to move to Stage 2 taking into consideration the personal or domestic reasons which may be impacting the employee.

### **Outcome 4: Conduct or Misconduct**

If the underperformance is due to the misconduct of the employee, counselling or other action under the Disciplinary Procedure may be appropriate.

## Stage 2: Performance Improvement Plan

Following the initial meeting where the reason(s) for underperformance have been established as a lack of ability, a Performance Improvement Plan meeting should be scheduled as soon as reasonably practical using [Letter 1](#).

**An employee may be accompanied by a colleague or Trade Union representative at this meeting.**

The meeting provides an opportunity for an in-depth discussion between the line manager and the employee to:

- Agree the level of performance that is required from the employee's role and the evidence the line manager requires to ensure this level is being met.
- Identify the performance and/or skills gap between the employee's current performance and the standard required in that post.
- Discuss potential methods of attaining the skills necessary to carry out the job to the required standard.
- Determine a course of action designed to enable the employee to reach the required standard. A Performance Improvement Plan should be drawn up and a copy retained by the employee and the line manager.
- Set and agree measurable targets for the employee. Line managers should refer to SMART objectives when setting targets.
- Schedule regular review meetings.

The employee should be made aware of the length of time that the performance improvement plan will be in place (up to a maximum of 12 weeks). Depending on the nature of the underperformance, it is not a requirement to set the timeframe at the maximum number of weeks initially but to identify a timeframe that is reasonable in relation to closing the skills gap identified. Should the employee fail to demonstrate sufficient improvement within the agreed reasonable timeframe then a Work Performance Hearing will be convened. Any extension to the agreed performance improvement plan will only be considered in exceptional circumstances

and must be discussed with the appropriate HR Adviser prior to any extension being agreed.

The line manager will decide on the timescales for the review meetings and notify the employee accordingly. The frequency of the review meetings will depend on the timescale agreed for the performance improvement plan but as a general rule they should be at minimum once every 4 weeks.

For example, if the agreed timescale for the improvement in performance is 4 weeks, then a minimum of one review meeting must be held during the 4-week period.

The line manager should provide the employee with a copy of the Performance Improvement Plan and confirm the review meeting dates in writing using Letter 2 no later than seven calendar days after the Performance Improvement Plan meeting.

### Stage 3: The Review Meetings

**An employee may be accompanied by a colleague or Trade Union representative at these meetings.**

The purpose of the review meeting(s) is to determine:

- ~~Whether the targets set in the Performance Improvement Plan are being achieved.~~
- Whether the employee is demonstrating a commitment and taking steps to achieving the targets set.
- Whether the employee has obtained the necessary skills to meet the required standard or steps are being taken to obtain the necessary skills.
- Any further action or agreed outcome.

Where the targets set have not been achieved the reasons for this should be explored and other methods of attaining the skills discussed if appropriate.

There are several possible outcomes from the review meeting(s). It is not necessary to wait until the last review meeting in cases where it is clear the employee is

achieving the objectives or will evidently be unable to achieve the standard required in the period remaining.

### **Outcome 1: Agreed Performance Levels Achieved**

If the employee has met all the targets as agreed in the performance improvement plan and the line manager is satisfied with the employee's level of performance, there need be no further action.

This decision will be confirmed to the employee in writing no more than seven calendar days from the date of the meeting using [Letter 3](#).

### **Outcome 2: Continuing with the Work Performance where appropriate**

If the employee has not reached the required standard but has shown commitment to working towards achieving the standards and there are still subsequent review meetings scheduled it may be deemed appropriate to continue with the work performance and focus on the achievements required for the next review meeting. As everyone learns and develops differently, consideration should be given to whether the methods of working towards the standards set out are still suitable for the employee and line manager and whether any changes need to be made as to how the learning and targets are achieved.

### **Outcome 3: Performance Levels below Standard**

If the employee's work performance has not reached an acceptable standard and the employee has failed to demonstrate ongoing improvement to achieving the standards and targets set, then the process may be concluded, and a hearing convened. Where an employee fails to show sufficient improvement and/or commitment to achieving the standards set there is not a requirement to exhaust the full 12 weeks and it may be determined that the process should conclude early and proceed to a hearing. The HR Adviser will continue to offer advice and support at this stage

## Stage 4: Work Performance Hearing

If during the review period, the line manager has determined that the employee has not reached the required standard, the line manager should refer this to the Head of Service so that a work performance hearing can be arranged.

As Chair of the work performance hearing, the Head of Service (or their nominated representative) should invite the employee to the hearing giving reasonable notice in writing using [Letter 4](#).

**An employee may be accompanied by a colleague or Trade Union representative at the hearing.**

If the employee has advised they wish to be accompanied then the employee should liaise with their representative at the earliest opportunity regarding the arrangements for the hearing. Given the potential formality and seriousness of the hearing, the Chair must have knowledge and understanding of the role and the level of performance expected of the employee.

The Chair should refer to the guidance '[How to Chair a Work Performance Hearing](#)' and the line manager should refer to the guidance '[How to Present a Management Case](#)'.

**Please note that an HR Adviser must be in attendance. Legal must also be notified of the hearing date and invited to attend.**

The line manager will be required to produce a comprehensive statement outlining the nature of the performance issues, details of the support mechanisms put in place, the duration of the improvement period, a copy of the Performance Improvement Plan and any other relevant evidence, and the employee's standard of performance before and during the improvement period. This should be provided to the chair before the hearing so it can be shared with the employee.

The employee will also be given the opportunity to submit evidence in support of their case prior to the hearing. This may be in the form of letters, emails, notes from meetings and discussions, or other evidence relevant to the employee case.

At the hearing, the line manager will present the management case followed by the employee presenting their case. The chairperson will adjourn the hearing to consider the evidence and decide on the outcome.

The employee will be informed of the Chair's decision, and the underpinning reasons, in writing no later than 7 days from the date of the hearing. The outcome of the hearing may be one of three options:

### **Outcome 1 – Performance Levels Achieved**

The employee has reached the desired standard required and the procedure will end as of the date of the hearing. Chair to confirm in writing using [Letter 5a](#).

### **Outcome 2 – Extended Performance Improvement Plan**

The employee has not met the required standard due to factors out with their control. For example, if an employee is unable to achieve an outcome of their plan due to training not being available within the relevant time period. Chair to confirm in writing using [Letter 5b](#).

### **Outcome 3 – Performance Levels Not Achieved – Dismissal**

When the employee has failed to reach the standard required and work performance issues remain the Chair may take the decision to dismiss the employee on the grounds of work performance

Where an employee is dismissed under these circumstances the employee *may* be placed on redeployment for the duration of their notice period. Aberdeenshire Council's [Redeployment Procedure](#) should be referred to at this stage. Chair to confirm in writing using [Letter 5c](#).

## Referral to External Bodies

If the employee holds membership of a professional body and a referral is made to a regulatory body, the individual should be informed in writing that the referral has been made.

Normally a referral should not be made until the internal proceedings have been concluded. However, there are certain circumstances where a referral to SSSC or the Care Commission must be made earlier. Please contact the appropriate HR Adviser for guidance on [referrals](#).

## Stage 5: Appeal

Any employee dismissed under this procedure has a right of appeal. Appeals should be lodged with the Head of Service (Legal & People) by the employee or their Trade Union representative within 14 calendar days of receipt of notification of the dismissal and must be in writing, clearly outlining the reasons for the appeal. Appeals can be submitted using the [appeal request form](#).

Appeals will be heard by the Appeals Committee.

During the appeal period the outcome of the hearing will stand and, where advised, the employee will commence their time on redeployment for the duration of their notice period.

**An employee may be accompanied by a colleague or Trade Union representative at the appeal hearing.**

There are two possible outcomes:

### Outcome 1 – Appeal not Upheld

The grounds of the appeal have not been substantiated and the appeal is not upheld. The dismissal will stand.



## **Outcome 2 – Appeal Upheld**

The grounds of the appeal have been substantiated and the appeal is upheld. The dismissal will be withdrawn, and action taken as directed by the Committee.

Notification of the outcome of an appeal hearing should be confirmed in writing to the employee within five calendar days.

## Document Revision History

Document Revision History					
Rev No.	Rev Date	Summary of Changes	Reviewing Team	Contributors	Next Review Year
001	20/10/2023	Change of procedure name; removal of secondary appeal stage; removal of defined redeployment outcome; new flowchart and resource pack documents	HR Ops	Lisa Repper Clare Mackenzie	
002					

Appendix One – The Resource Pack

