

# Performance Improvement Policy and SOP

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# Policy

## 1 Purpose and Objectives

The Children's Trust is passionate about having a reputation for excellence and in order to deliver outstanding services, all staff must achieve the required levels of performance expected in their roles.

This Performance Policy and SOP outlines the help a Manager will give an employee to reach the required levels of performance if they are under-performing. It should be used to address issues of capability, aptitude and skill.

Some examples of unsatisfactory performance where this Policy may apply are listed below, however this list is not exhaustive:

- unsatisfactory quality of work and/or low output.
- repeated failure to meet realistic deadlines and or achievable targets despite support and guidance.
- excessive reliance on support and input from others to achieve objectives.
- consistent inability to report common problems and where appropriate, suggest solutions.
- continuing inability to adapt to changes in working practices despite appropriate support.
- significant or frequent mistakes despite feedback and support.
- a demonstrable lack of skill or knowledge or ability to learn despite appropriate training and support.
- failure to meet the required competency level.
- failure to perform requirements of the job description after guidance, support and training; or
- gross incompetence for serious poor performance that could result in summary dismissal.

The objectives of the policy and this procedure are to:

- establish and assign clear accountability for Performance Improvement at The Childrens Trust.
- to ensure a fair and consistent approach to managing those who are under-performing.
- outline the responsibilities of employees, Managers and the HRBP Team.

Relevant laws and regulations include but are not limited to:

- Equality Act 2010

## 2 Scope

This policy applies to:

- This Policy applies to all permanent employees, bank workers and fixed term staff of The Children's Trust.
- This policy does not apply to those who are still within their probation period, please refer to Managing Probation Policy & SOP.

## 3 Definitions

Unless otherwise stated, the words or expressions contained in this document shall have the following meaning:

Chair	The Manager who will chair the hearing
HRBP	The People & Culture Team HR Business Partner
Line Manager	A Manager with direct day to day managerial responsibility for a specific employee
Manager	A Children’s Trust employee with responsibility for managing other employees within the organisation e.g. Manager, Senior Manager, Director or CEO
The Charity/ organisation/ TCT	means The Children’s Trust
SOP	Standard Operating Procedure

## 4 Policy Statement

This section sets out the organisational rules that help ensure the policy objectives are met.

- 4.1 The Children’s Trust aims to ensure that there will be a fair and consistent approach to the implementation of standards of performance throughout the organisation.
- 4.2 The Children’s Trust will support staff to achieve and maintain a high level of performance in their work. Day to day supervision and feedback together with the performance development review process (known as PDR) are the primary tools for assessing performance and supporting the development of staff.
- 4.3 The Children’s Trust aims to ensure staff are made aware of what is expected of them and that they are encouraged and supported in delivering the objectives of their job. This Policy is designed to support constructive discussion between an employee and their Manager. Under this process SMART (Specific, Measurable, Achievable, Realistic, and Timed) objectives will be set.
- 4.4 In instances where an employee is deemed to be, “a disabled person as a person with a disability”, as defined under the Equality Act 2010, reasonable adjustments will be made to support them in achieving the required level of performance. This Policy allows the employee to have an opportunity to state their own case and ensures fair and consistent treatment in line with our Equity, Diversity & Inclusion Policy.

## 5 Stakeholder Consultation

Appendix 1 details the stakeholders who were consulted in the development of this policy.

## 6 Related Policies and Procedures

The following policies and procedures stated below support the effective application of this policy and SOP:

- Equity, Diversity & Inclusion Policy
- Disciplinary Policy
- Annual Performance Development Review (PDR) Procedures

## **7 External References and Guidance**

The following external resources and guidance were consulted in drafting this policy and SOP:

- XpertHR
- Acas

# Standard Operating Procedures (SOP)

## 1 Roles and responsibilities

- Line Manager

The Line Manager is responsible for:

- Outlining clear standards of performance to the employee.
- Providing the employee with an up-to-date job description, to be reviewed as part of annual PDRs.
- Ensuring employees are given a proper induction to the Trust, the department and to the role.
- Confirming that the employee is aware of The Children's Trust's Promises, Policies and Staff Handbook.
- Communicating to staff the level of performance required of them along with setting realistic and timed objectives.
- Having regular one-to-one meetings/performance discussions.
- Taking the time to understand why poor performance is occurring i.e. have explored whether they have issues at home, with their health etc.
- Checking the feedback received at the last PDR and discovering what has changed between now and then.
- Communicating openly, honestly and constructively with staff regarding their performance.
- Ensuring that feedback is given to staff promptly where any shortfalls in performance occur, and provide any necessary training, coaching, support and/or guidance. A record of the main points of discussion and steps taken should be kept by the Manager.
- Ensuring that all cases of poor performance are treated confidentially and sensitively.

- Employee

The Employee is responsible for:

- Complying with the arrangements set out in this Policy.
- Ensuring that you understand what is expected of you in relation to work performance and seek clarification where required.
- Discussing problems that are affecting work performance with your Manager and where appropriate seek to resolve them.
- Taking positive steps to improve performance where gaps are identified, request any appropriate development and follow up on agreed actions.
- Fully co-operating with the PDR process and this Policy.
- Attending all mandatory training and engage in the supervision process.
- If home issues are affecting work performance, talk in confidence to the Line Manager to explain the situation and seek support.

- The People & Culture Team/ HRBP

The People & Culture Team/ HRBPs are responsible for:

- Providing templates and procedural guidance to both Line Managers and employees.
- Assisting the Line Manager in reviewing issues of performance and attendance during formal performance review meetings.

- Ensuring that this policy is followed and that issues are dealt with fairly, transparently and consistently.

## 2 Procedure

This procedure sets out the specific process that is to be followed in cases of unsatisfactory performance for all staff. The People & Culture Team are available to give help and support to Managers and staff in the application of this procedure. In all stages of this procedure the Line Manager will respond to the employee as soon as reasonably practicable and certainly within five working days unless explicitly stated otherwise or for good reasons (e.g. sickness or holiday).

	Stage	Action
	Unsatisfactory performance	Informal advice and Performance Improvement Plan (PIP) (see section 2)
1	Formal Stage 1 meeting – Unsatisfactory performance following informal advice and PIP	Formal Stage 1 Written Warning and PIP (valid for 12 months)
2	Formal Stage 2 meeting – Unsatisfactory performance following Stage 1 warning and PIP	Final Stage 2 Written Warning and PIP (valid for 12 months)
3	Formal Stage 3 meeting - Further unsatisfactory performance within the monitoring period or a further lapse in performance within 12 months of receiving a Stage 2 warning and PIP	Dismissal

### 2.1 Informal Advice, Guidance and Meetings

As part of the normal management process, feedback should be given to staff regularly on their performance. Where there are concerns, the Manager must arrange a meeting(s) with the employee as soon as possible.

The purpose of these meetings is to:

1. State the current performance issue(s) and clarify what needs to be improved. The Manager should be specific and cite examples. (e.g. quality or quantity issues, lateness, poor attention to detail, poor judgement or interpersonal problems etc).
2. State the level of work performance expected and that it must be performed on a consistent basis. Objectives must be SMART:
  - Specific - Be precise about what you want achieved.
  - Measurable - Quantify objectives.
  - Achievable - Are you asking for too much?

- Realistic – Does the employee have the resources to make the objectives happen.
  - Timed – (within how many weeks or months)
3. Clarify employee goals and actions required to improve performance including targeted dates.
  4. Identify skills, knowledge or attributes needing development and agree on a learning and development plan with targeted dates.
  5. Specify the support and resources the Manager will provide to assist the employee. (e.g. clarifying role expectations, learning and development, coaching, etc.).
  6. Clarify expected results – identify the measures (quantity, quality, time) that will be used to evaluate progress.
  7. Set a monitoring period for reviewing improvement following the meeting. In setting this monitoring period the Manager should:
    - a. specify meeting times, with whom and how often.
    - b. specify the measurements that will be considered in evaluating progress; and
    - c. set up the 'check in or monitoring meeting' dates.
  8. Give the employee the opportunity to respond.
  9. Ascertain if there are any circumstances to explain the apparent shortfall.

The Manager should carefully assess the situation to identify if the apparent shortfall is due to performance issues, or other factors. The HR Business Partnering Team may be able to help the Manager to identify any such issues/factors.

The Manager should also discuss with the employee whether any reasonable adjustments to the workplace or working practices are required to help the employee meet the required standards.

The Manager should record the main points discussed at each meeting and share this with the employee. The Performance Improvement Plan (PIP), (Appendix 2) is an effective way of capturing the areas that require attention. The Manager should determine how long the informal period should continue for depending on the individual employee and the needs of their area of the organisation, but it should not exceed 6 weeks except where extenuating circumstances exist.

The required standard must be achieved during this informal period, in which case the Manager should monitor performance for a period to ensure the improved performance is maintained.

If no significant improvement is made during the informal period, the Manager should enter the formal part of the procedure (see Section 3). The Manager will need to inform the employee that they intend to enter the formal procedure and that ultimately, whilst the procedure is intended to be supportive and aid improvement, it could potentially lead to formal warnings and dismissal.

Where an employee's performance has a significant impact on the performance of their team and/or external relationships then it may be appropriate to enter the formal stage immediately and/or reduce the monitoring periods.

### **3. Formal Procedure**

The Manager should inform the HR Business Partnering Team that they intend to hold a formal meeting, so that they can offer any advice or assistance to either party as required.



#### **4. Formal Meeting – Stage 1**

Prior to holding a formal meeting, the Manager will need to ensure that they have all the required information. This may include notes of one-to-one meetings, details of poor performance, and/or the Performance Improvement Plan.

The Manager will then write to the employee to inform them that they are required to attend a formal meeting, which may result in formal action being taken, ensuring that:

- You should endeavour to give seven days' notice is given of the meeting, confirming the date, time and location.
- A copy of the record of the informal meeting(s) and any other documents to be used at the meeting are attached.
- The reason for the formal meeting is stated, as guided by the template invite letter.
- The employee is advised of their right to be accompanied by a trade union representative or a workplace colleague.
- The employee is advised that they must inform the Manager, in writing prior to the meeting, who their companion will be. It is the employee's responsibility to give copies of documentation to their companion.
- If the employee cannot attend due to circumstances outside their control and unforeseeable at the time the meeting was arranged, or the companion cannot attend on the proposed date, the employee can suggest an alternative time and date, so long as it is reasonable and is not more than five business days after the date originally proposed by the Manager. The Manager will seek to take all reasonable steps to arrange a suitable date as quickly as possible. This is to ensure the matter is dealt with in a timely fashion. The meeting may be held in the absence of the employee if they fail to attend on more than one occasion.

##### **4.1. Present at the meeting**

- The meeting will normally be chaired by the employee's Line Manager.
- A member of the HR Business Partnering Team will attend.
- The employee has the right to be accompanied by a trade union representative or a workplace colleague (companion) at any formal meeting. It is the employee's responsibility to organise this and inform the chair in writing in advance of the meeting. The role of the person accompanying is to be supportive and help the employee, but they cannot answer questions on behalf of the employee.

##### **4.2. The Meeting**

- The Manager will open the meeting by introducing those present, explaining the reason for the meeting, and outlining the perceived failure to reach the required level of performance.
- The employee will then be given the opportunity to respond and to offer any mitigating circumstances.
- The employee's response will then be discussed, and the Manager can ask questions to ensure that they have a full understanding of their position.
- Once all the information has been considered, the meeting will then be adjourned whilst the Manager decides what action is appropriate.
- The meeting will usually be reconvened on the same day and the employee will be informed as to what sanction, if any, is to be given and the appeal procedure will be explained. In the unlikely event that the adjournment is overnight, the Manager may contact the employee by phone to confirm the sanction to be given.

Notes of the meeting should be taken and signed by both parties during or after the meeting as an accurate reflection of the discussions. Both parties should be given a copy of the notes.

### **4.3. Potential Sanctions**

Should it be deemed that performance is unsatisfactory then a first written warning would normally be issued. However, in some cases it may be appropriate to take no action or extend the monitoring period where exceptional extenuating circumstances have prevented the employee meeting the required performance level.

#### First Written warning

The first written warning will be valid for between 6 -12 months, at the discretion of the Line Manager, from the date of the meeting. The warning will contain details of what improvement is required plus a statement that failure to either reach the required level of performance within the monitoring period, or a further lapse in performance within 12 months, may result in further action, where a more serious view may be taken, which may ultimately lead to dismissal.

Changes to, or the preparation of, a PIP will need to be made to support the sanction. The monitoring period will normally be between 4 and 8 weeks as appropriate. If performance further deteriorates during the monitoring period however, a Stage Two meeting may be invoked earlier.

The Manager will confirm the warning and PIP in writing by letter, which will be held on the employee's personnel file in the People & Culture Team. The employee will have 5 working days to appeal from the date of the letter. In cases where the letter is posted and there is a delay in receipt of the letter, the appeal period may be reasonably extended by mutual agreement. The appeals procedure is outlined in section 6.

If performance improves after the warning, then the situation should be monitored for the duration of the warning.

### **5. Formal Meeting – Stage 2**

If there was deterioration in performance within 12 months of the first written warning being issued, then the procedure would be entered at Stage 2. If performance deteriorated after 12 months, then the Manager would enter the procedure again at Stage 1.

If at the end of the monitoring period specified at the Stage 1 meeting (or during the monitoring period if performance declines), performance has not improved to an acceptable level, the employee will be requested in writing to attend a Stage 2 meeting attaching a copy of the previous warning and the Performance Improvement Plan.

If performance has improved then the Manager will write to confirm this and the employee may be advised that the formal performance improvement procedure will not continue, although the employee's Manager may wish to continue to review your performance informally.

The other arrangements for the Stage 2 meeting, conduct at the meeting and right to be accompanied, are the same as Stage 1 – as detailed in 4.1 – 4.2 above.

### **5.1. Potential Sanctions:**

Should it be deemed that performance is still unsatisfactory then a final written warning would normally be issued. However, in some cases it may be appropriate to take no action or extend the monitoring period where exceptional extenuating circumstances have prevented the employee meeting the required performance level.

#### Final Written Warning

A final written warning will be valid for 12 months from the date of the Stage 2 meeting. The warning must contain details of what improvement is required plus a statement that failure to reach the required level of performance within the new monitoring period, or a further lapse within 12 months, may result in further action, where a more serious view may be taken, which may ultimately lead to dismissal.

Changes to, or the preparation of, a PIP will need to be made at this meeting to support the sanction. The monitoring period will normally be between 4 and 8 weeks. If performance deteriorates further during the period specified at the meeting, a Stage 3 meeting may be invoked earlier.

The Manager will confirm the warning and PIP in writing which will be held on the employee's personnel file in the People & Culture Team. The employee will have 5 working days to appeal from the date of the letter.

### **6. Formal Meeting - Stage 3**

When the required improvement in performance stated at Stage 2 has not been made in the specified time scales since the final warning given at Stage 2, a Stage 3 meeting will be arranged to discuss their continued unsatisfactory performance.

If there was deterioration in performance within 12 months of the final warning being issued, then the procedure would be entered at Stage 3. If performance deteriorated after 12 months, then the Manager would enter the procedure again at Stage 1.

The Manager will invite the employee, in writing, to a Stage 3 meeting attaching a copy of the Final Written Warning. The other arrangements for the meeting, procedure at the meeting and right to be accompanied are the same as at Stages 1 and 2 above. At this stage a member of the HR Business Partnering Team will be in attendance at the meeting and will capture a detailed written record.

The letter instructing the employee to attend the meeting must point out that the result of the meeting could be dismissal.

If at the end of the monitoring period specified at the Stage 2 meeting (or during the monitoring period if performance declines), performance has improved then the Manager will write to confirm this and the employee may be advised that the formal performance improvement procedure will not continue, although the employee's Manager may wish to continue to review the employee's performance informally.

### **6.1. Potential Sanctions:**

Should it be deemed that performance is still unsatisfactory, then dismissal is the likely outcome. However, in some cases it may be appropriate to take no action or extend the monitoring period

where exceptional extenuating circumstances have prevented the employee meeting the required performance level.

### Dismissal

Dismissal will normally be with notice or be paid in lieu of notice if appropriate in the circumstances. When, despite previous warnings and support, dismissal would be the likely outcome, the Manager should consider whether the alternative step of demotion to a suitable post (to the terms/conditions and salary of the alternative suitable post) which is within the employee's competence level, would be appropriate in the circumstances. This is subject to whether there are any suitable alternative posts vacant and dependent on whether the employee's current post allows scope for demotion.

Where there are exceptional mitigating circumstances the Manager may consider extending the review period given at Stage 3.

The Manager will confirm the decision and the reasons for it in writing to the employee. The employee will have 5 working days to appeal from the date of the letter. In cases where the letter is posted and there is a delay in receipt of the letter, the appeal period may be reasonably extended by mutual agreement.

## **7. Appeal Procedure Formal Stages 1 to 3**

An employee who wishes to appeal against the outcome of any formal stage of the procedure may appeal to the HR Business Partnering Team within 5 working days of the letter. The appeal must be made in writing and clearly state the basis on which the appeal is made. One appeal will be allowed at each formal stage of this procedure.

The appeal meeting would normally be arranged within 5 working days of the appeal being received or as soon as possible thereafter. The same right to be accompanied by a trade union representative or a workplace colleague applies. The meeting may be held in the absence of the employee if they fail to attend on more than one occasion.

The appeal meeting will be chaired by an individual who is more senior than the Manager who chaired the original meeting where possible, or an individual who has the authority to, where appropriate, override the original decision (the "Appeal Manager"). A member of The HR Business Partnering Team may attend depending on the stage as outlined above.

### **7.1. Appeal Meeting**

At the meeting the Appeal Manager will listen to the employee's grounds of appeal and review the formal action taken.

The Appeal Manager may ask questions to clarify matters and having heard the appeal, will adjourn the meeting to consider the decision.

The Appeal Manager can:

- uphold the decision made at the Stage 1/2/3 Formal meeting and any sanction awarded
- reduce the sanction
- remove the sanction

- Should the Appeal Manager consider that further investigation is required before a decision can be made, they must inform the employee, including time scales, which would normally not be longer than 5 working days.
- The meeting will be reconvened to deliver the decision unless the employee confirms they want the decision in writing only.
- The Appeal Manager will confirm the decision and the reasons for it in writing. The decision made by the Appeal Manager is final and ends the procedure at each stage.
- In the circumstances where a dismissal is overturned on appeal this will normally be valid from the date of the Stage 3 Performance meeting (therefore employment will be reinstated from this date)

## Document Change Control

Version	Status	Description (of changes)	Reviewed by	Reviewed/ Issued Date
0.1	Draft	Put into new format for Policy and SOP.	Emma Cox	July 2023
0.2	Draft	Review of first Draft	Gareth Blake	Sept 2023
0.3	Draft	Learning and Organisational Development review	Laura Redmond	Oct 2023
0.4	Draft	Review by Head of People & Culture	Joanna Gillespie	Oct 2023
1.0	Final	Approved	Mike Maddick & Joanna Gillespie	Nov 2023

## Appendix 1 – Stakeholder Engagement Checklist

Review and complete the following checklist to indicate which stakeholders were consulted in the development of this policy.

#	Question	Yes/ No	Stakeholder(s) to be consulted
1	Is there a statutory requirement to have in place this particular policy/ does the policy need to comply with detailed legislation?	Yes	Audit, Risk and Governance team
2	Is implementation of the policy (or any element of it) dependent on the use of new or existing information technology?	No	Head of IT
3	Does implementation of the policy (or any element of it) place any demands on/ or affect the activities of the Estates and Facilities teams (e.g. does it impact the provision or maintenance of premises, equipment, vehicles or other TCT assets)?	No	Head of Estates
4	Does implementation of the policy or any element of it involve/ impact the processing of personal data?	Yes	Data Protection Officer
5	Does implementation of the policy require significant unbudgeted operational or capital expenditure?	No	Finance Director
6	Does implementation of the policy (or any element of it) directly or indirectly impact on the delivery of services / activities in other areas of the organisation? E.g. a policy written by a clinical lead in CF&S might impact on the delivery of care for CYP attending the School.	No	Relevant, impacted OLT members
7	Is there a need to consider Health and Safety or potential environmental impacts in developing and implementing the policy?	No	Health and Safety Manager
8	Have you consulted with a representative of those who will be directly impacted by the policy?	No	
9	Is there a need to consider Equity, Diversity and Inclusion in developing and implementing the policy?	Yes	Learning and Organisational Development Manager
10	Is there a need to consider sustainability and potential environmental impacts in developing and implementing the policy?	No	Lead for Responsible Organisation
11	Please detail any other stakeholder groups consulted, if applicable.	Yes	Learning and Organisational Development

**Appendix 2 – Performance Improvement Plan**

**2 CONFIDENTIAL**

**Performance Improvement Plan**

Name of Employee: .....

Date of meeting: .....

Name of Line Manager: .....

**FORMAL MEETING**

	<b>Performance Issue/ Concern</b>	<b>SMART Objectives (Specific, Measurable, Achievable, Realistic, Timed)</b>	<b>How will this be measured</b>	<b>Training and support to be given/already arranged</b>	<b>Timescale and Review Date</b>
1					
2					
3					
4					
5					

**Monitoring Period:** From: .....

To: .....

**Dates of regular review meetings through monitoring period:**

Signed by: .....  
Line Manager

Date: .....

Signed by: .....  
Employee

Date: .....



**REVIEW MEETING**

	SMART Objectives (set during formal meeting)	Has this been achieved? Please include comments
1		
2		
3		
4		
5		

