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Managing Poor Performance Guidance

SCOPE OF THIS CHAPTER

This chapter provides guidance for supervisors and managers who have concerns about staff performance.

The overall principle is that staff should be positively encouraged and supported to develop and enhance their skills and knowledge through supervision, guidance, training and in other ways e.g. mentoring.

If staff have difficulty meeting the required standards, even with additional support and guidance, supervisors and managers have a responsibility to raise concerns and attempt to put things right.

This guidance sets out the measures that supervisors/managers should take to rectify such situations, before considering taking formal disciplinary action.

OTHER RELEVANT CHAPTERS/GUIDANCE

This procedure runs parallel to but is not part of the [Disciplinary Procedure](#).

Also see: [Staff Supervision Procedure](#).

Contents

1. [Introduction](#)
2. [Informal 'Counselling'](#)
3. [Formal Capability Procedure](#)
4. [Stage One - Recorded Oral Warning](#)
5. [Stage Two - First Written Warning](#)
6. [Stage Three - Final Written Warning](#)

7. [Stage Four - Dismissal](#)

8. [Appeal](#)

1. Introduction

The first stage in dealing with poor job performance is to determine whether there is a capability issue or one of misconduct. This can normally be ascertained by informal discussion during supervision though it may be necessary to investigate.

Incapacity is where the employee has received all necessary training but still cannot achieve or maintain a satisfactory level of performance through no fault on his/her part, for example as a result of poor health. The capability procedure to be used in cases of long term absence is described in the [Absence/Sickness Procedures](#).

If an employee fails to reach the required standard of performance as a result of carelessness, negligence or lack of effort, this will be treated as misconduct and dealt with under the [Disciplinary Procedure](#).

2. Informal 'Counselling'

The employee's line manager will investigate the cause of the poor performance. Causes could include lack of skills, inadequate training, lack of support or other resources, poor communication or problematic working relationships. Counselling may take place during supervision or in a separate meeting set up for this purpose. A record will be made of the discussion and any outcome. The manager will give the employee factual examples of the unsatisfactory performance and ask for his/her explanation, which will be followed up and checked where appropriate.

Where the reason for unsatisfactory performance is lack of the required skills the employee will, where practicable, be given training and reasonable time to reach the required standard. If another reason is established attention will be paid to this and assistance provided as appropriate.

3. Formal Capability Procedure

Where, despite support, the employee is unable to reach the required standard of performance, the formal capability procedure will be used.

At each stage of this procedure the employee will be invited in writing to attend a meeting, at which s/he may be accompanied by a trade union representative or a colleague.

At the meeting the improvement required will be explained and a realistic timescale set for achieving this. Any support to be provided will be identified and a review date will be set.

Following the meeting a letter will be sent to the employee stating which stage of the procedure has been reached and the likely outcome of a failure to improve.

4. Stage One - Recorded Oral Warning

The employee will be fully informed at the meeting and in writing of the precise nature of the poor performance, the level of improvement required and the time limit for achieving that improvement. Review periods during the currency of the warning will be set and the consequences of failure to achieve or maintain the improvement explained.

The warning will normally remain 'live' for a period of 6 months. Childhood First reserves the right to extend this time period in appropriate circumstances.

5. Stage Two - First Written Warning

If there is no improvement or insufficient improvement after a recorded oral warning, or if improvement is not maintained for the period specified, a further meeting will be held and a first written warning issued, giving details of the improvement required, the timescale, and the consequences of failure.

The warning will normally remain 'live' for a period of 6 months. Childhood First reserves the right to extend this time period in appropriate circumstances.

6. Stage Three - Final Written Warning

If there is no improvement or insufficient improvement after a first written warning, or if improvement is not maintained for the period specified, a further meeting will be held. Except in exceptional circumstances, a final written warning will be issued, giving details of the improvement required and the time scale. The warning will include a statement that failure to improve to the required standard is likely to result in dismissal.

A final written warning will normally remain 'live' for 12 months. After this period Childhood First will disregard the warning, though a record will be held on the employee's personnel file.

7. Stage Four - Dismissal

If there is still no improvement or insufficient improvement after a final written warning, or if improvement is not maintained during the specified period, the employee will normally be dismissed with notice or pay in lieu.

8. Appeal

An employee may appeal against any sanction imposed against them, with the exception of an informal oral warning.

When lodging an appeal, the employee should state:

- a. The grounds for appeal; and
- b. Whether they are appealing against the finding that they have committed the alleged act or acts of misconduct, or against the level of disciplinary sanction imposed.

The employee must provide written notice of the appeal within 14 days of being informed of the disciplinary sanction being imposed against them.

Appeal hearings will normally take place within 14 days of receipt of the employee's written notice of appeal.

The appeal will be heard by a senior manager who has not been involved in the decision to impose the disciplinary sanction on the employee. The senior manager is obliged to consider any representations made by the employee, the employee's fellow worker or trade union official and those of the manager who conducted the investigation and the manager who conducted the disciplinary hearing and imposed the disciplinary sanction.

The senior manager hearing the appeal must decide on the basis of both sets of representations, together with any subsequent facts that may have come to light, whether to uphold the disciplinary sanction. In the event that the senior manager finds for the employee, the senior manager shall allow the appeal and shall remove all records of the disciplinary sanction from the employee's record. In the event that the senior manager does not accept the representations made by or on behalf of the employee, the senior manager must uphold the disciplinary sanction.

Upon completion of the appeal, the senior manager conducting the hearing will convey their decision to the employee. Childhood First's decision at the appeal is final. The decision will be confirmed in writing within one week.

Where an appeal lies against a dismissal by the panel, the panel's decision to dismiss will have had immediate effect and, therefore, if the dismissal is by notice, the period of notice will already have commenced on the date that the decision was given by the panel. If the panel's decision was to dismiss the employee summarily without notice, Childhood First will be under no obligation to pay the employee for any period between the date of the original dismissal and the appeal decision and the original date of termination will stand.

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