



LEDBURY TOWN COUNCIL

PERFORMANCE MANAGEMENT

Date Adopted: 22.05.2025

Next Review: May 2028



LEDBURY
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Ledbury Town Council Performance Management

1. Policy Statement

This policy has been prepared considering prevailing legislation and recognised good practice. New legislation requirements or changes in current legislation may necessitate the review of this policy document. The Council will continue to review and amend all or part of this policy on a regular basis.

2. Equality

In putting this procedure into practice, no aspect of this procedure will discriminate on the grounds of race, sex, sexual orientation, gender reassignment, age, religion, politics, marital status, disability and/or union membership or any other grounds likely to place anyone at a disadvantage, in accordance with the Equality Act 2010.

3. Introduction

- 3.1 The aim of this procedure is to ensure that employees whose performance is unsatisfactory due to lack of skill, knowledge, experience or aptitude are treated fairly, whilst maintaining the high operating standards of Ledbury Town Council.
- 3.2 The Performance Management policy **MUST** be followed when problems arise which call into question the capability of an employee to perform duties which they were employed to undertake.
- 3.3 A clear distinction needs to be made between sub-standard performance, which is due to negligence, and that which is due to the lack of ability, skill, knowledge, experience or aptitude. Negligence will usually involve some measure of personal responsibility in that the employee is capable of doing their job, but the level of performance is inadequate. Issues of this nature should be handled through the stages of the disciplinary procedure. Lack of skill, knowledge, experience or aptitude should be treated from a different viewpoint.
- 3.4 The Performance Management policy is intended to complement Ledbury Town Council's Appraisal Scheme, Sickness Absence Procedure and be used as part of its' Performance Management Responsibility.

4. Responsibility

- 4.1 Ledbury Town Council requires high standards from its employees in order to provide an efficient and effective service to its clients/customers etc.
- 4.2 Managers have a responsibility to make clear to employees the standards required of them in terms of work performance and objectives. Employees have the responsibility to achieve and maintain these standards.
- 4.3 Ledbury Town Council will endeavour to ensure that all employees are adequately trained and competent to undertake their duties. Where these standards are not satisfied, support will be offered to achieve the appropriate standards where informal methods are not successful.
- 4.4 The procedure provides a framework for dealing with lack of capability related to an individual's competence to meet the required standards of performance, on a fair and consistent basis, and aims to improve individual effectiveness using a problem-solving approach. Help, advice, opportunity, and time will be given to the employee in order for them to improve their performance and meet the standards required.
- 4.5 The Procedure applies to all staff directly employed by Ledbury Town Council.
- 4.6 Unacceptable performance arising from deliberate or wilful lack of care, attention, or negligence rather than as a result of the lack of necessary skills or aptitude will be addressed appropriately through Ledbury Town Council's Disciplinary Procedure.

5. Causes of Poor Performance

Unacceptable performance may be due to lack of skill, aptitude, experience, knowledge, poor health (physical and mental health) all of which can affect the capability of the individual to perform their job satisfactorily. Examples of causes of poor performance can be found at Appendix 1.

6. Informal Stage

- 6.1 Before resorting to the formal procedure, the manager will ensure that proper guidance, advice and, where appropriate, training has been given and that adequate time has been allowed for the employee to overcome the difficulties that they have been experiencing.
- 6.2 Where an employee's ability to perform the duties of their post satisfactorily is in question, their manager will discuss the matter first informally at a 1:1 meeting (either a Let's Talk, a Supervision, or an Appraisal). Such conversations should not wait until the next appraisal. Employees should be made aware of poor performance matters at the earliest opportunity. However, it can be discussed further as part of the appraisal process.

- 6.3 The nature of the problem will be described, and reasons explored. The employee will be given an opportunity to give an explanation for the unsatisfactory performance. An action plan to address unsatisfactory performance will be developed and agreed jointly with the employee. The action plan will address the causes and will include the following:
- Make the employee aware of the standards to be addressed
 - Clarify tasks to be completed
 - Set a realistic timescale for improvement
 - Identify necessary training and/or supervision
 - Include regular monitoring meetings
 - Clarify the appropriate method of monitoring performance
- 6.4 The broad content of the meeting and all the actions required to take will be confirmed in writing, either through notes or email follow up. The employee will also be informed of the possible implications of not achieving the required standards. A record will also be kept of any monitoring meetings as they may need to be referred to at a later stage.
- 6.5 A review meeting will be held at the end of the agreed timescale i.e. 6-weeks. If satisfactory improvement is achieved and maintained, no further action will be taken, and performance will continue to be monitored as part of the usual 6-month and 12-month Appraisal Scheme.
- 6.6 If standards have not been achieved and/or maintained, the reasons will be explored and consideration given to extending the time period, if appropriate. Otherwise, the employee will be invited to attend a formal Capacity Hearing.

7. Rights of the Employee

- 7.1 The employee will have full access to a copy of the Performance Management Policy at the informal stage.
- 7.1.1 Senior Managers/Chair of Resources will manage and chair any formal meetings from this point on.
- 7.1.2 Employees have the right to be accompanied at formal hearings by a Trade Union Representative, colleague or friend who is not acting in a legal capacity. It is the employee's responsibility to obtain representation, colleague or friend.
- 7.1.3 The employee will be given 5 days written notice of the hearing, setting out the date, time, venue, nature of unsatisfactory performance being considered and their right to representation. At least five working days' notice will be given to enable the employee to prepare their case and to arrange representation.
- 7.1.4 The employee will be given copies of written statements, and relevant documents.

7.1.5 The employee has the right of appeal against formal warnings imposed.

8. Formal Stage

8.1 While the principal objective of the Performance Management is to help an employee overcome their difficulties, it is nevertheless essential that they are made fully aware of the consequences of not achieving and maintaining the standards set.

The formal Performance Management will comprise of the following stages:

Stage 1 – First written warning (letter – live for 6 months)

Stage 2 – Second Written warning (kept live on file for 6 months)

Stage 3 – Final Written warning (kept live on file for 12 months)

Stage 4 – Dismissal

8.2 Consideration will be given to the causes of unacceptable performance together with what help, and support has been offered in the past and what more the employee can reasonably expect in order to overcome their difficulties and in what timescales. If Health related or disability concerns have been raised, an occupational health referral may be considered.

8.3 In handling unacceptable performance any warnings will normally be issued progressively, however depending on the circumstances a written warning or a final written warning may be issued without any previous action having been taken under the Performance Management. This will most commonly occur where the unacceptable performance is likely to have serious consequences on service delivery or the financial security of Ledbury Town Council is at risk and the level of performance cannot be remedied by training in a reasonable period.

8.4 Suspension from duty or temporary transfer to other duties, or redeployment or demotion may be required in such exceptional circumstances.

9. Outcomes

9.1 Any warning given will be by a Senior Manager/Chair of Resources.

9.2 Any warning given will be in line with those stated above to allow sufficient time for improvement. However, these periods may be longer or shorter depending on the circumstances.

9.3 Where alternative employment is offered within Ledbury Town Council, the employee will receive a formal written offer giving details of the alternative employment and the duties required in it for consideration, before either party commit themselves to the new job contractually. It will be made clear that they are expected to reach the required standard of

performance within an agreed period otherwise the Performance Management will be once again invoked.

- 9.4 Alternative employment, if offered as an alternative to dismissal, does not have to be equivalent to the current post nor be at the employee's current level/pay. There will be no right for the employee to have their current earnings level protected.
- 9.5 Refusal of redeployment or demotion will result in termination of employment in line with provision of notice periods contained within the employees contract.
- 9.6 All decisions will be confirmed in writing to the employee within 3 working days of the hearing.
- 9.7 Copies must be retained by the Manager for the agreed review period as well as being placed on the personnel file.
- 9.8 No employee will be dismissed for the first discussion about their performance.

10. Review and Monitoring Period

- 10.1 The Senior Manager who issued the warning will ensure that the terms of the review and monitoring period are adhered to. They need to undertake this themselves or delegate it to the employee's manager.
- 10.2 The Review will be conducted in a manner which encourages the employee to improve. The employee will be encouraged to discuss areas of concern as they arise during the course of the review period.
- 10.3 At the end of the review and monitoring period, if the manager is satisfied that the employee has reached the required standard of performance, then they will confirm this in writing to the employee, their representative (if applicable) and retain a copy on the employee's personnel file. The letter will contain a reminder that the performance level reached **MUST** be maintained.
- 10.4 In the event that the employee fails to reach the required standard of performance at the end of the review period, then a further formal hearing will be arranged under the terms of the Performance Management.
- 10.5 In exceptional circumstances, where the manager gathers evidence to show that in spite of warnings and counselling, the employee is failing to reach the required standard of performance, then the review date may be brought forward.
- 10.6 Any records relating to warnings in a personnel file will not be viewed as current after the periods stated above from the date that they were imposed.

11. Appeals

- 11.1 All employees have the right of appeal against all warnings.
- 11.1.1 Appeals may be raised on a number of grounds, e.g.:
- a failure by the Council to follow its grievance policy
 - the decision was not supported by the evidence
 - the action proposed by the sub-committee was inadequate/inappropriate
- 11.2 The appeal will be heard by a panel of 3 members of the Resources committee who have not previously been involved in the case. There may be insufficient members of the Resources committee who have not previously been involved. If so, the appeal panel will be a committee of three Council members who may include members of the Resources committee. The Council may engage external parties if there are insufficient Councillors to form the panel. The appeal panel will appoint a Chairman from one of its members.
- 11.3 The employee will be notified, in writing, within 14 calendar days of receipt of the appeal of the time, date and place of the appeal meeting. The meeting will normally take place within 35 calendar days of the Council's receipt of the appeal. The employee will be advised that they may be accompanied by a workplace colleague, a trade union representative or a trade union official.
- 11.4 At the appeal meeting, the Chairman will:
- Introduce the panel members to the employee
 - Explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the Resources Committee
 - Explain the action that the appeal panel may take
- 11.5 The employee (or companion) will be asked to explain the grounds of appeal.
- 11.6 The Chairman will inform the employee that they will receive the decision and the panel's reasons, in writing, and when they are likely to receive the letter. This may be within 14 calendar days of the appeal meeting, however will be longer where further investigations are required.
- 11.7 The appeal panel may decide to uphold the decision of the staffing committee or substitute its own decision.
- 11.8 The decision of the appeal panel is final.

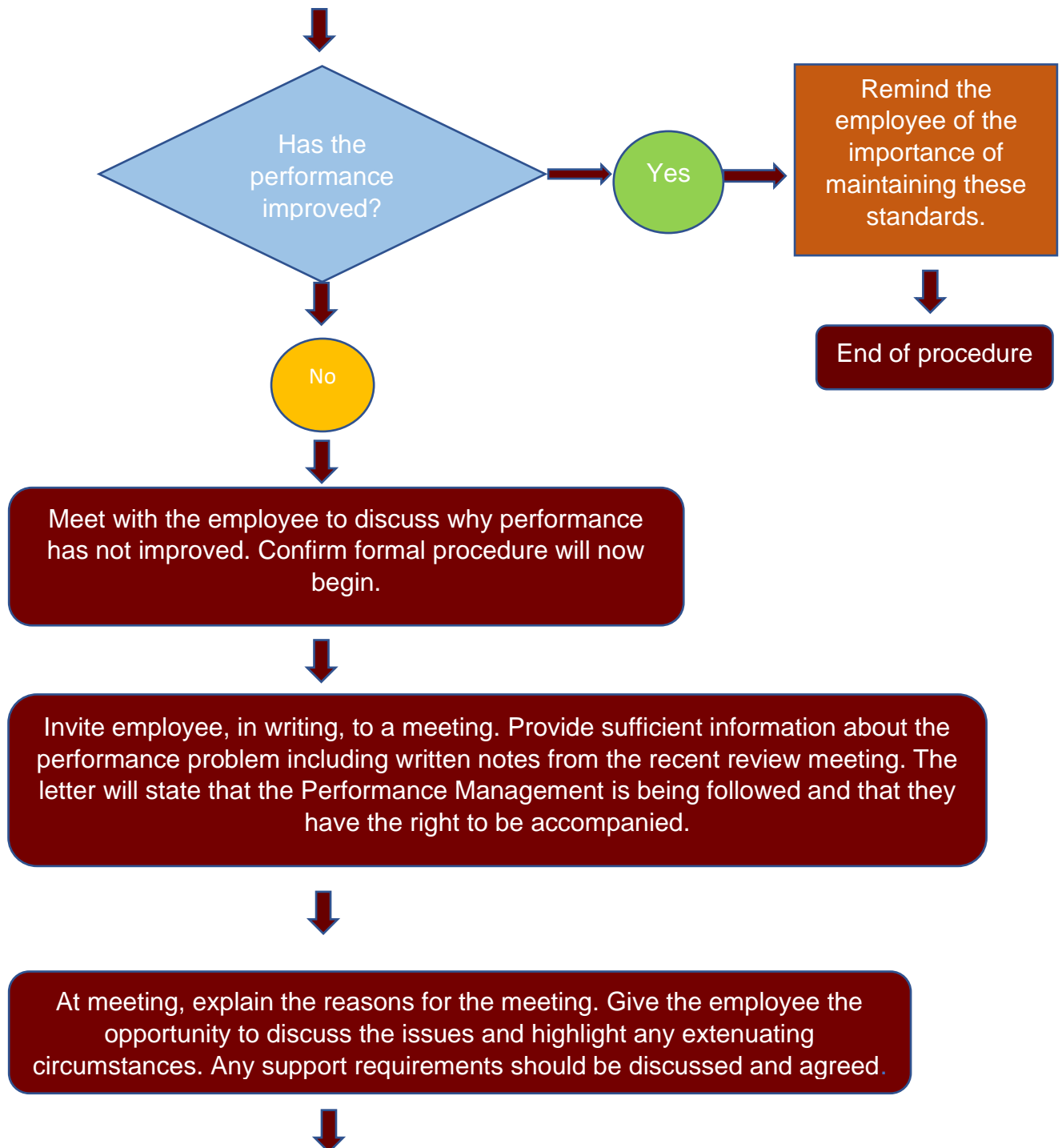
APPENDIX 1

5.1 Causes of Poor Performance

- i. Unsatisfactory application of the recruitment and selection process
- ii. Lack of proper training and development, to allow the employee to achieve the required standards. This should be reviewed regularly, at least annually, as part of the Appraisal Scheme to meet changing demands.
- iii. Insufficient understanding of the role the employee is expected to perform due to poor or inadequate guidance or induction.
- iv. The employee not having the range of experience, skills, or knowledge necessary to perform effectively in their role.
- v. The employee's working conditions and/or access to equipment/information which may be such as to impair the efficient performance of their duties.
- vi. Inadequate staffing levels and skill mix.
- vii. Issues associated with an individual's domestic situation. Employees should be supported appropriately and sensitively depending on the issues.
- viii. Harassment or bullying. Action will be taken under the appropriate Ledbury Town Council Policy(s).
- ix. (This list is not exhaustive)

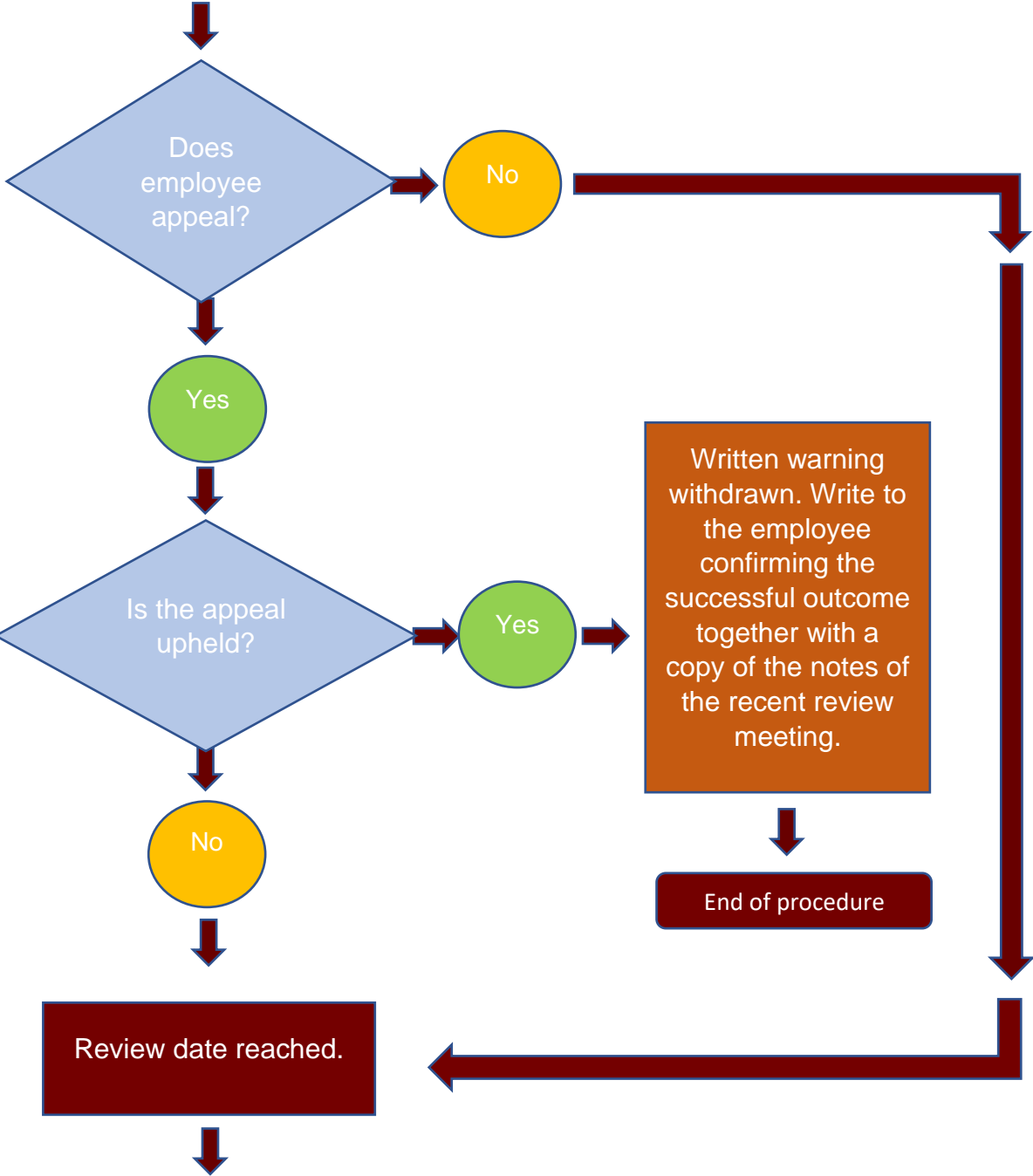
APPENDIX 2

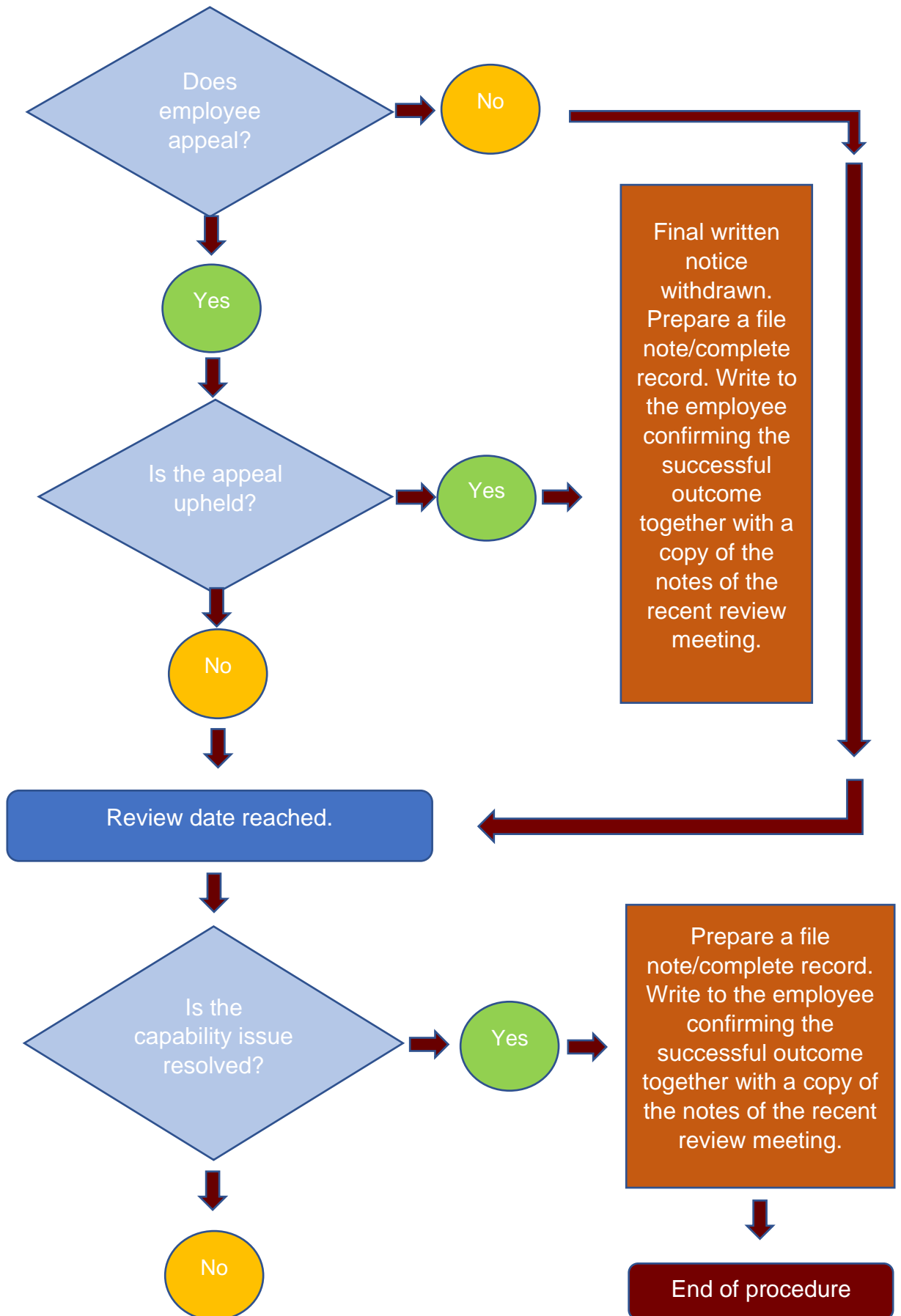
Meet with the employee to informally address performance concerns. Identify issues, discuss possible solutions, create a performance improvement plan (PIP). Advise employee their performance will be monitored over a review period, and that failure to improve could trigger a formal procedure.



Issue written warning. This sets out:

- The continuing capability difficulties
- The improvement required where this may be possible
 - Timescale for improvement
- Consequences of failure to improve
 - Any assistance to be provided
 - A review date
 - The right to appeal

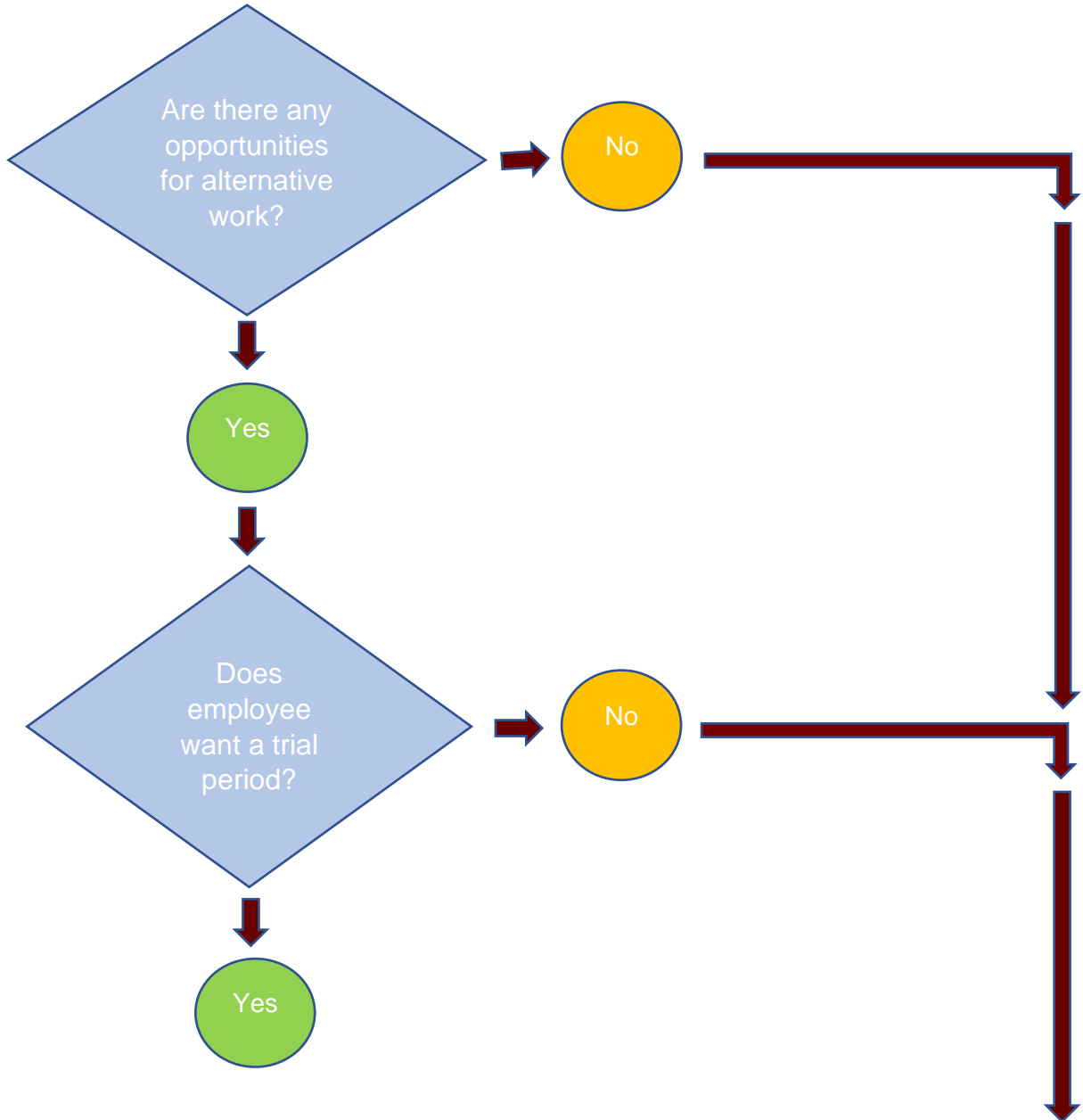


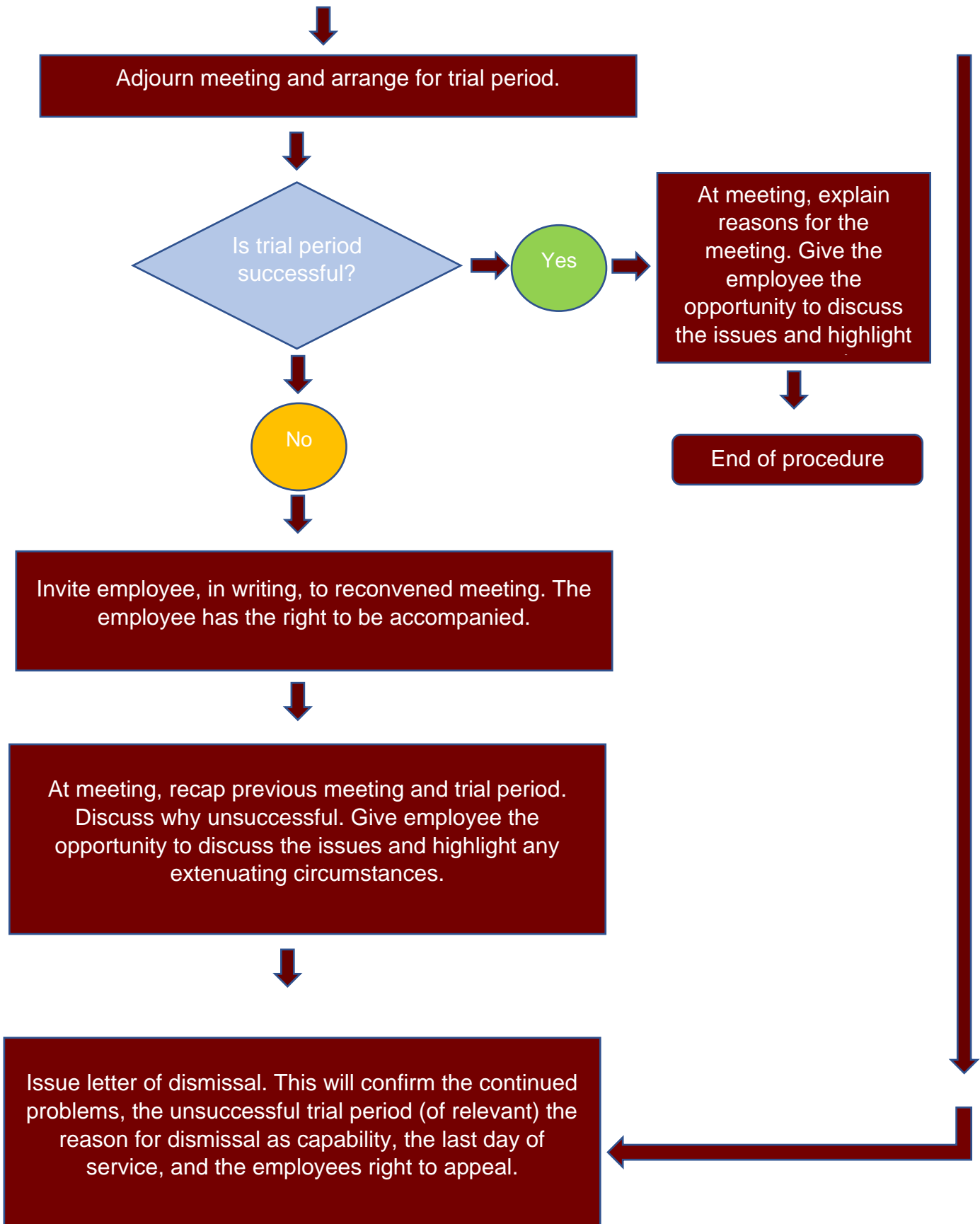


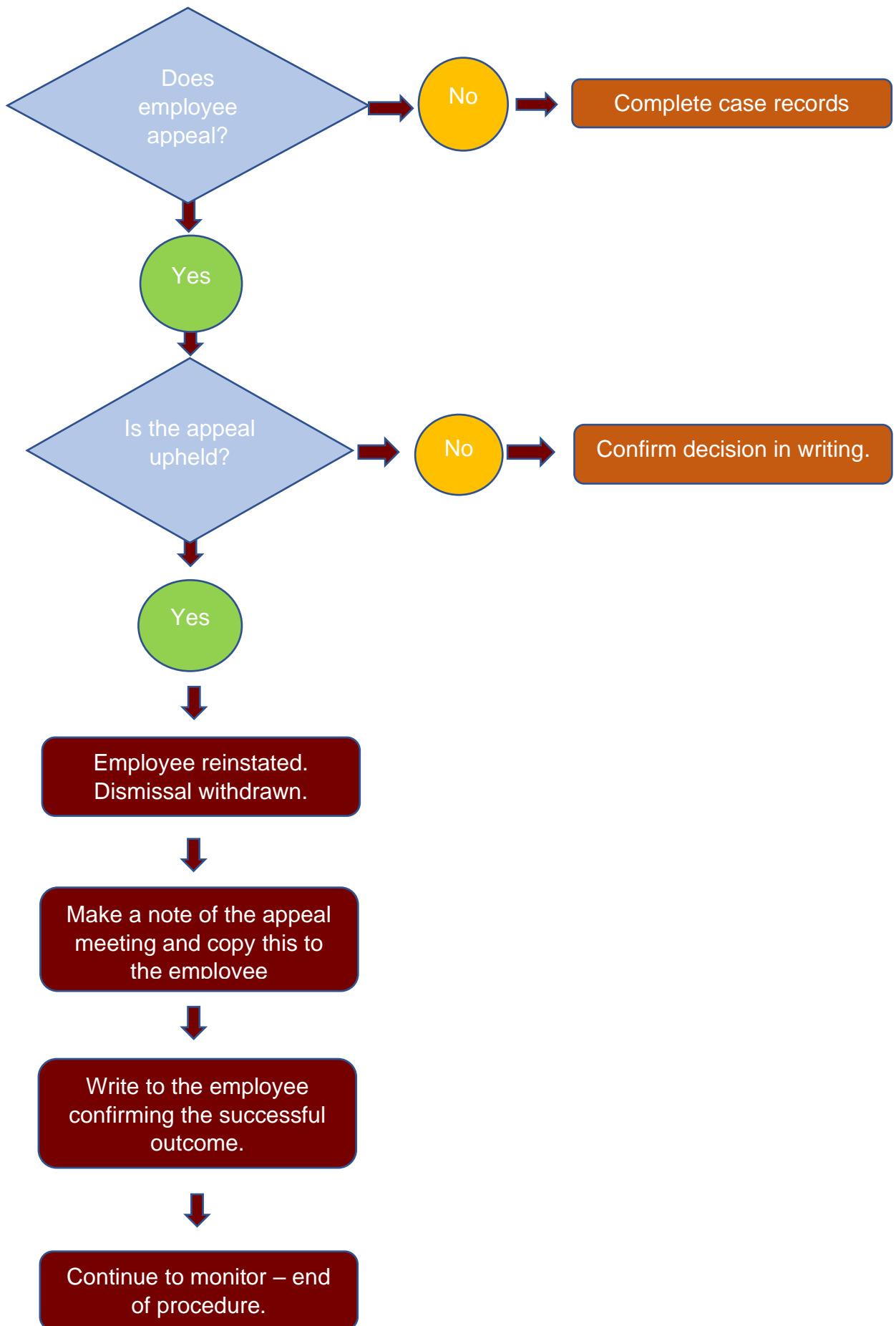
Invite employee, in writing, to a meeting. Provide sufficient information about the continued performance issue and include written notes from the recent review to allow them to prepare for the meeting. The employee has the right to be accompanied.



At meeting, explain reasons for the meeting. Give the employee the opportunity to discuss the issues and highlight any extenuating circumstances. Any support requirements provided during the process should be discussed.







APPENDIX 3

PERFORMANCE IMPROVEMENT AND SUPPORT PLAN TEMPLATE

PERFORMANCE IMPROVEMENT & SUPPORT PLAN

EMPLOYEE		JOB TITLE		DATE OF DISCUSSION	
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Area requiring support	Improvement Required	Support, training to be given, other actions to be taken by manager and employee, including dates	Timescale for tasks to be completed	Review dates including final monitoring meeting	Progress

Manager signature	
Manager name	

Employee signature	
Employee name	

