**Human Resources information and guidance - top ten tips**

**Fact Sheet Four: Performance and capability issues**

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| **What happens if there are performance/capability issues?** |
| Tip one | Be clear from the outset! Often a performance issue is allowed to drift on in the hope that things will improve but being clear in a job description, person specification and specific needs of the role will help set clear expectations. |
| Tip two | What if we didn’t get things right from the outset? If you are encountering a problem and things have been drifting, this is the time to address them, and starting with a meeting to set out clarity of role, expectations or talking through issues is key. |
| Tip three | Is it sickness related or is it competence in the role? Sometimes there are mitigating factors that mean someone isn’t fully performing for you that might be linked to sickness or other personal or family issues. Explore these sensitively so you can make a plan. |
| Tip four | Training on the job! Some roles require an `entry level’ of experience/knowledge, and then require some additional learning. Set these out clearly along with any time line for completion and always check they really have learnt what you wanted them to after. |
| Tip five | How bad does it have to get to dismiss someone from their role? Apart from issues arising in a probation period (check out fact sheet one in this series); you need to follow a careful process to allow standards, targets and expectations to be set down and clarified. |
| Tip six | Staying in touch! Reviews and annual appraisals (draft attached) are great ways of keeping in touch with staff and encouraging them, so if there are any issues these should not come as a surprise. Setting some clear objectives helps give clarity of expectations.  |
| Tip seven | What if we’ve tried everything and there still is no improvement? If you haven’t started a formal process this is the time to do that. A formal process always starts by reviewing what informal processes and support have been given so check those first. |
| Tip eight | Moving to a formal process. Using a step approach (see the ACAS guidance link over the page and the draft PCC policy attached) will help you set clear targets and a timeframe for improvements. Always take and share notes of the meetings that have taken place. |
| Tip nine | In any formal process an individual has the right to be accompanied by a workplace colleague. This is important as that person can support the individual throughout a process and, check they have heard and understood what is being asked of them. |
| Tip ten | Don’t confuse capability with disciplinary – the aim of capability and performance policies is to ensure someone is able to flourish in their role with you and to bring the best outcomes for the role you want. |

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| **Information sheet four – further information, template appraisal form** **and a draft PCC performance policy** |

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| **Other sources of advice and support** | <https://www.acas.org.uk/capability-procedures> |
| **Appraisal template form** | Attached |
| **Template PCC capability policy and appeal policy** | Attached |

**Appendix 1 Draft PCC Policy**

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| **PCC policy – capability and performance policy and appeal process– LOGO of parish** |

**Scope**

1. This policy applies to paid employees only. It does not relate to any volunteers in a parish role.

**Background and introduction**

1. The purpose of this procedure is to provide a framework for managing and supporting satisfactory performance and setting standards to encourage improvement where necessary.
2. The PCC will make every effort to ensure that an employee understands the requirements of their role and receives appropriate support and training in order to undertake the post to a satisfactory standard. We will deal with concerns over performance fairly and take steps to establish the facts and to give the employees the opportunity to respond at a hearing before any formal action is taken.
3. This procedure does not apply to cases involving genuine sickness absence, proposed redundancies or misconduct. In those cases reference should be made to the appropriate policy or procedure in this Handbook.
4. Employees will not normally be dismissed for performance reasons without previous warnings. However, in serious cases of gross negligence or in any case involving an employee who has not yet completed their probationary period, dismissal without previous warnings may be appropriate.

**Following up issues informally**

1. In the first instance, performance concerns should be dealt with informally between the employee and their line manager as part of day-to-day management. Where appropriate these will be discussed in an informal `Setting of Standards’ meeting between the line manager and the employee, and the line manager will agree an initial period of time for improvement. A note of this informal discussion may be placed on the employee's personnel file but will be ignored for the purpose of any future capability hearings.
2. At the end of this period if there has been an appreciable improvement in the employees’ performance they will be notified informally and continue in the post.

**Formal process – stage one**

8. **I**f after the initial informal Setting Standards the standard of performance has not improved the employee will be invited to attend a formal capability meeting. The employee will be notified in writing of what the performance concerns are, the reasons for those concerns and the likely outcome if it is decided after the hearing that the employee's performance continues to be unsatisfactory. The employee will also be informed of their right to be accompanied by a workplace colleague or a trade union representative.

1. The employee must tell the manager conducting the meeting who their chosen companion is, in good time before the hearing. The employee will also be provided with a summary of relevant information gathered as part of any investigation and any relevant documents which will be used at the capability hearing.
2. At this meeting the line manager will clarify the required standards, set out and discuss the areas of concern, try to establish the likely cause of poor performance and identify any training needs, and/or set realistic and fair targets, and the date(s) by which improvement must be achieved. Full notes of this meeting will be taken and a copy given to the employee with the formal warning letter.
3. Following the first formal capability meeting, if it is concluded that the employee's performance is unsatisfactory, the employee will be issued with a first written warning setting out:
4. the areas in which the employee has not met the required performance standards;
5. target areas for improvement;
6. any measures, such as additional training or supervision, which will be taken with a view to improving performance;
7. a period for review;
8. the consequences of failing to improve within the review period, or of further unsatisfactory performance.

1. During the period set for improvement, the line manager should arrange to meet the employee to review and track progress, and ensure appropriate support is in place that will assist the employee to achieve the goals set.
2. At the end of the period set for improvement, the line manager will arrange a formal meeting with the employee (again, the employee has the right to be accompanied by a workplace colleague). At this meeting, issues, targets and achievements will be reviewed. A formal warning notice will normally remain active for six months.
3. If the person has successfully achieved improvement, they will receive a formal letter notifying them of their success and they will continue in the post with agreed arrangements for regular supervision/support meetings.

**Formal process - stage two**

1. If the employee has not successfully achieved the required improvements the line manager may in appropriate circumstances set an extension period for improvement (e.g. if the person has been off sick during the initial improvement time).
2. Where appropriate, if the employee's performance does not improve within the review period set out in the first written warning, or if there is evidence of poor performance while the first written warning is still active, a Stage 3 capability hearing may be held. Written notification will be sent to the employee as set out above.
3. Following a Stage 3 capability hearing, if the employee's performance remains unsatisfactory, they will be issued with a final written warning, setting out the information. A final written warning will normally remain active for 6 months.

**Stage three**

1. If the employee's performance has not improved sufficiently in the review period set out in the final written warning, a Stage Three capability meeting may be held. Written notification will be sent to the employee at least one working week in advance of the meeting.
2. Following the capability meeting, several options may be considered. These include dismissal, redeployment to another suitable job (if the employee's contract permits) or extending an active final written warning where it is considered that a substantial improvement is likely within the review period.
3. Dismissal will usually be with full notice or payment in lieu of notice unless the employee's performance has been so negligent as to amount to gross misconduct, in which case the employee may be dismissed without notice or payment in lieu.

**The responsibilities of the employee**

1. The employee has a responsibility to discuss with their line manager any issues which may affect their ability to maintain a role so that appropriate support and other actions can be reviewed.
2. Where there is a long-term condition, personal circumstance or disability, employees are encouraged to meet their line manager as soon as possible so that appropriate advice and support can be discussed, planned and reviewed. The employee should be assured that the PCC will want to offer appropriate support.

**Disabilities**

1. Consideration will be given to whether poor performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to the employee's working arrangements, including changing their duties or providing additional equipment or training. The PCC may also consider making adjustments to this procedure in appropriate cases.

 **Governance and PCC responsibilities**

1. The PCC may from time to time review its employment practices.
2. The PCC may appoint or delegate certain employment oversight, projects or developments for recommendation etc to a small working group/standing committee to oversee practical issues and to report back to the wider PCC.

**Appeals policy**

1. Appeals will be heard without unreasonable delay at an agreed time and place.
2. An employee must inform of their wish to appeal against a decision that has been taken, and the grounds on which they wish to appeal and should put these in writing within [one week] of the date that the decision was sent or given to them.
3. All appeals are considered by a Churchwarden and one other member of the PCC (or delegated members of a PCC employment working group) not previously involved.
4. The decision will be confirmed in writing without unreasonable delay [and usually within one week of the appeal hearing]. There is no further right of appeal.

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| **Policy version** | Version one |
| **Approved by the PCC on (date)****Date for renewal of policy**  |  |
| **Signed by (name)****Print Name****Role**  |  |

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| **PCC Appraisal form – add church logo here**  |

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| **Name of appraisee****Name of appraiser****Date of appraisal**  |  |
| **Reviewing last year – what went well ? What made them go so well ?** |  |
| **Reviewing last year were there things that didn’t go so well, what were the reasons for this?** |  |
| **Are there any carry over objectives that you’d want to work on for this coming year?** |  |
| **Moving on to this year, what are the key objectives and time frames? Key events etc****(Setting four or five objectives is normally enough!)** | **1****2****3****4****5** |
| **In order to achieve these, what might be needed (IT, support, external or internal influences etc)**  |  |
| **Is the current job description up to date / in need of updating?** |  |
| **Are there any issues or concerns that need to be captured/raised or addressed?** |  |
| **Are there any training and development needs or requirements? What are they and what is the timeframe you need?** |  |
| **Comments by appraiser** |  |
| **Comments by appraisee** |  |
| **When will we meet up to review things****(every month or couple of months is helpful)** |  |

**Signing off**

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| **Signed and dated by the appraiser** | **Signed and dated by the appraisee** |