



Managing Performance

February 2025

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Managing Performance Policy 2025
Next review: 2027

1. Managing Performance

Spilsby Town Council recognises that from time-to-time staff may experience difficulties, which impact on their ability to carry out their work. The Council recognises that poor job performance due to incapability cannot be treated as a disciplinary offence. It also recognises its responsibilities for employees and duties under the Health and Safety at Work Act 1974 and the Equality Act 2010, to manage issues relating to staff capability sensitively, in so far as is reasonable and able to do so.

The procedure for managing performance will apply where an employee is clearly making every effort to fulfil the requirements of the post, but is unable to do so due to reasons such as, changes in the role; loss of skills, ability and/or knowledge, impact of physical or mental impairment.

The cause of poor performance will be investigated and established by Spilsby Town Council. You will be asked to provide an explanation as to the reasons for poor performance and the explanation will be checked.

Incapability/poor performance will arise where you have been set realistic targets and objectives and cannot achieve them through no fault of your own. (An example of capability is failure due to medical conditions).

If realistic targets and objectives have been set out but you fail to take action of which you are capable, your performance may be treated as misconduct under the Disciplinary Procedure.

At each stage of the procedure and as specified below you will normally be interviewed by the Clerk or a member of the Council, as appropriate, to review the relevant factors.

At any interview or an appeal meeting, you will have the opportunity to state your case and will be encouraged to do so. You also have the right to be accompanied by a work colleague, or recognised Trade Union Representative. Legal representation will not be permitted; Spilsby Town Council's Capability Procedure is an internal process and will be conducted as such.

All warnings will be confirmed to you in writing.

2. Stage One Warning: Training And Supervision

Where the reason for poor performance is lack of capability, you will be invited to comment and to contribute to a discussion about steps to assist you to reach the required standards. These may include:

- i. Appropriate training in-house and/or externally sourced, if this has not already been done
- ii. More frequent supervision and support
- iii. Assessment of the post to ensure the role is not inconsistent with your selection for the appointment

Arrangements will be made to carry out any remedial measures and to review progress and performance at the end of an appropriate period of time. You will be advised that failure to

meet the specified standard of improvement will result in the next stage of the procedure being implemented.

3. Stage Two Warning: First Written Warning

If, despite following the agreed measures and at the end of the review period, the required improvement in performance is not forthcoming, you will be given a First Written Warning by Spilsby Town Council. This will state:

- i. The reason for the warning
- ii. The level and improvements in performance required
- iii. A realistic time limit for achieving that performance
- iv. The form in which monitoring will take place
- v. That the consequence of failure to achieve and maintain the improvement would result in a final written warning being given
- vi. The duration of the warning held on your personnel file

First written warnings will have a time limit of 6 months.

4. Stage Three Warning: Final Written Warning

a. If there is no improvement or not sufficient improvement or it is not maintained for the period stated, you will be given a Final Written Warning setting out the details as above with a written warning that failure to improve may result in dismissal.

b. Final written warnings will have a time limit of 12 months.

5. Stage Four Warning: Dismissal

If there is still no improvement or not sufficient improvement or it has not been maintained for the period stated above, you will normally be dismissed with notice.

6. Appeals

If you wish to appeal against stages 2,3 or 4, you must put your request in writing to the council, setting out the grounds of appeal, within 5 working days of the decision being communicated to you. The appeal will be heard by an Appeal Panel made up from members of Spilsby Town Council. The appeal hearing will be conducted within a reasonable period of the appeal being lodged. The outcome will be either:

- i. To reject the appeal and confirm the original disciplinary action, or;
- ii. To uphold the appeal and reduce or revoke the original disciplinary action.
- iii. The result of the appeal will be confirmed in writing within 10 working days of the hearing. The decision at the appeal stage is final of this internal policy.