



Eldene Pre-School & Toddlers

10.14 Improving Performance Policy

The purpose of the policy and procedure is to ensure that colleagues are given the opportunity to achieve and maintain appropriate standards of performance at work.

This policy should be used when a colleague's performance has been identified as falling below an acceptable level. Its purpose is to provide a clear framework within which managers can work with colleagues to encourage performance improvement where necessary in a fair and supportive way.

A colleague's individual's ability to carry out their role to the expected standard may be affected by their attendance record. The procedure for managing short and long term absence is set out in the 2.7 Staff Sickness & Absence Management Policy.

If at any point a colleague's poor performance is believed to be the result of deliberate negligence, or where serious errors have been made by them to the detriment of the organisation, the Disciplinary Policy will be followed.

This policy applies to all colleagues (whether employed on a full-time, part-time, fixed term or permanent basis)..

This policy does not form part of any contract of employment and the setting may amend it at any time.

Informal Stage – Identifying Performance Issues

In the normal course of employment your appropriate line manager will discuss with you your performance. In the first instance, performance issues will normally be dealt with informally between you and your appropriate line manager as part of day-to-day management.

If there appears to be no improvement the appropriate line manager will inform the manager and an informal meeting will be called. Where appropriate, a note of any such informal discussions may be placed on your personnel file.

The formal procedure should be used for more serious cases, or in any case where an earlier informal discussion has not resulted in a satisfactory improvement.

Informal discussions may help:

- (a) clarify what is expected of you in your role within the setting.
- (b) identify areas of concern;
- (c) establish the likely causes of poor performance and identify any training needs;
and/or
- (d) set targets for improvement and a time-scale for review.

Your appropriate line manager may record any performance issues. That may be as part of your colleague check-in process, under a performance improvement plan, or under a separate document.

Colleagues will not normally be dismissed for performance reasons without previous warnings. However, in serious cases of gross negligence, or in any case involving a colleague who has not yet completed their probationary period, dismissal without previous warnings may be appropriate.

If the setting have concerns about your performance, we will undertake an assessment to decide if there are grounds for taking formal action under this procedure. The procedure involved will depend on the circumstances but may involve reviewing your personnel file including any colleague review records, gathering any relevant documents, monitoring your work and, if appropriate, interviewing you and/or other individuals confidentially regarding your work.

Formal Stage – An Overview

There are three stages to the formal performance improvement process, which are summarised below. Each formal stage is addressed in more detail later in this policy. We reserve the right to omit any formal stage if we consider that it is appropriate to the individual circumstances.

Stage One - First Formal Stage

This is the first formal stage and usually consists of:

- (a) Stage one meeting - A potential outcome at the conclusion of this meeting is a first written warning and implementation of a performance improvement plan.
- (b) Assessment against performance improvement plan within agreed timescales.

Stage Two - Second Formal Stage

This is the second formal stage and usually consists of:

- (a) Stage two meeting - A potential outcome at the conclusion of this meeting is a final written warning and implementation of a performance improvement plan.
- (b) Assessment against performance improvement plan within agreed timescales.

Stage Three - Third Formal Stage

This is the third formal stage and usually consists of:

- (a) Stage three meeting - Potential outcomes at the conclusion of this meeting are a dismissal with notice or the extension of the performance improvement plan.
- (b) Assessment against performance improvement plan within agreed timescales, where relevant. Note: this will only be relevant where the outcome is short of dismissal.

Notification of Performance Improvement Meeting

If we consider that there are grounds for taking formal action over alleged poor performance, you will be required to attend a performance improvement meeting. We will notify you in writing of the concerns regarding your performance, the reasons for those concerns, and the likely outcome if we decide after the meeting that your performance has been unsatisfactory. We will also include the following where appropriate:

- (a) A summary of relevant information gathered as part of any investigation.
- (b) A copy of any relevant documents which will be used at the performance improvement meeting.
- (c) A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.

We will give you written notice of the date, time and place of the performance improvement meeting. The meeting will be held as soon as possible, but you will be given a reasonable amount of time to prepare.

Right to be Accompanied at Formal Meetings

You may bring a companion to any formal performance improvement meeting or appeal meeting under this procedure. The companion may be a representative or a colleague. You must tell the manager conducting the meeting who your chosen companion is, in good time

before the meeting. For the avoidance of doubt, you are not entitled to be accompanied at any informal stage.

If your companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days we may require you to choose someone else.

Procedure at Formal Performance Improvement Meetings

If you or your companion cannot attend the meeting you should inform us immediately. You must make every effort to attend the meeting, and failure to attend without good reason may be treated as misconduct. If you fail to attend without good reason or are persistently unable to do so (for example, for health reasons), we may have to take a decision based on the available evidence including any written representations you have made.

The meeting will normally be held by your manager and a committee member. You may bring a companion with you to the meeting. Your companion may make representations, ask questions, and sum up your case, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during the meeting.

The aims of a performance improvement meeting will usually include:

- (a) Setting out the required standards that we believe you may have failed to meet and going through any relevant evidence that we have gathered (including, but not limited to, any colleague review form or existing performance improvement plan).
- (b) Allowing you to ask questions, present evidence, respond to evidence and make representations.
- (c) Establishing the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement.
- (d) Identifying whether there are further measures, such as additional training, guidance or supervision, which may improve performance.
- (e) Where appropriate, discussing targets for improvement and a time-scale for review.
- (f) If dismissal is a possibility, establishing whether there is any likelihood of a significant improvement being made within a reasonable time and whether there is any practical alternative to dismissal, such as redeployment.

A meeting may be adjourned if we need to gather any further information or give consideration to matters discussed at the meeting.

We will inform you in writing of our decision and our reasons for it, as soon as possible following the performance improvement meeting. Where possible we will also explain this information to you in person.

Formal Performance Improvement Plan

In the formal stages of this procedure, where required improvements in your performance are identified, your manager will provide you with a performance improvement plan. Where possible, that plan will set out clear, measurable, realistic and time bound objectives required for your improved performance.

The plan may include specific support actions for you, examples of which include training and development activities, advice or guidance. When issuing a performance improvement plan your manager will ensure the length of the plan is reasonable by taking into account all of the relevant circumstances including the level of poor performance, the performance issues in question and the improvement required. The length of the plan will normally be between 4 and 12 weeks but there may be occasions where it is outside of this guide length.

Please use the Formal Performance Improvement Plan form to complete the performance improvement plan. Your manager should then review and update this plan at each stage of the performance improvement process.

Formal Process – Each Stage in Detail

Stage One Meeting – Potential First Written Warning

If we consider that there are grounds for taking formal action over alleged poor performance, you will be required to attend a stage one performance improvement meeting. We will notify you in writing of our concerns over your performance, the reasons for those concerns, and the likely outcome.

Following a Stage One performance improvement meeting, if we decide that your performance is unsatisfactory, we will give you a first written warning along with a formal performance improvement plan, setting out:

- (a) The areas in which you have not met the required performance standards.
- (b) Targets for improvement.
- (c) Any measures, such as additional training or supervision, which will be taken with a view to improving performance.

- (d) A period for review.
- (e) The consequences of failing to improve within the review period, or of further unsatisfactory performance.

The warning will normally remain active for nine months from the date on which it is issued. After the active period the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of any future performance improvement proceedings.

Your performance will be monitored during the performance improvement plan review period and we will write to inform you of the outcome:

- (a) if your manager is satisfied with your performance, no further action will be taken;
- (b) if your manager is not satisfied, the matter may be progressed to a Stage Two performance improvement meeting; or
- (c) if the manager feels that there has been a substantial but insufficient improvement, the review period in the performance improvement plan may be extended.

Stage Two Meeting – Potential Final Written Warning

If your performance does not improve within the review period set out in a first written warning and accompanying performance improvement plan, or if there is further evidence of poor performance while your first written warning and/or performance improvement plan is still active, we may decide to hold a stage two performance improvement meeting. We will write to you to invite you to that meeting.

In some circumstances, where we consider it appropriate to do so, we may decide to proceed to a stage two meeting without previously holding a stage one meeting. The committee will advise the manager where it may be appropriate to omit stages of the formal performance improvement process.

Following a stage two performance improvement meeting, if we decide that your performance is unsatisfactory, we will give you a final written warning along with a new or revised formal performance improvement plan, setting out:

- (a) the areas in which you have not met the required performance standards;
- (b) targets for improvement;
- (c) any measures, such as additional training or supervision, which will be taken with a view to improving performance;

- (d) a period for review; and
- (e) the consequences of failing to improve within the review period, or of further unsatisfactory performance.

A final written warning will normally remain active for 12 months from the date on which it is issued. After the active period, the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of future performance improvement proceedings.

Your performance will be monitored during the performance improvement plan review period and we will write to inform you of the outcome:

- (a) if your manager is satisfied with your performance, no further action will be taken;
- (b) if your manager is not satisfied, the matter may be progressed to a stage three performance improvement meeting; or
- (c) if the manager feels that there has been a substantial but insufficient improvement, the review period in the performance improvement plan may be extended.

Stage Three Meeting – Potential Dismissal

We may decide to hold a stage three performance improvement meeting if we have reason to believe:

- (a) your performance has not improved sufficiently within the review period set out in a final written warning and accompanying performance improvement plan;
- (b) your performance is unsatisfactory while a final written warning is still active; or
- (c) your performance has been grossly negligent such as to warrant dismissal without the need for a final written warning. Where your actions are deemed to be grossly negligent it may be dealt with as a conduct issue under the setting's Disciplinary Policy.

In some circumstances, where we consider it appropriate to do so, we may decide to proceed to a stage three meeting without previously holding a stage one and/or a stage two meeting. The committee will advise the manager where it may be appropriate to omit stages of the formal performance improvement process. We will write to you to invite you to the meeting. Stage three is the final stage of the performance improvement procedure and should be chaired by an independent manager, where possible.

At the meeting the meeting chair will review the history of the case, including the steps that have been taken to support you to achieve the required level of performance. Before reaching any decision he/she should be satisfied that:

- Reasonable assistance has been given to enable you to meet the required standards of performance;
- The manager has acted fairly and consistently in setting the performance improvement plan(s), including, but not limited to, setting the targets, review periods, and support; and
- You have had an opportunity to put your case forward in respect of the performance issues.

Following the meeting, if we find that your performance is unsatisfactory, we may consider a range of options including:

- (a) Dismissing you.
- (b) Redeploying you into another suitable job at the same or a lower grade (if your contract permits or by agreement).
- (c) Re-issuing a final written warning and setting a further review period in your performance improvement plan (in exceptional cases where we believe a substantial improvement is likely within the review period).
- (d) Giving a final written warning (where no final written warning is currently active) and issuing a revised or new formal performance improvement plan.
- (e) Dismissal will normally be with full notice or payment in lieu of notice, unless your performance has been so negligent as to amount to gross misconduct, in which case we may dismiss you without notice or any pay in lieu.

Right of Appeal

You have the right of appeal at any formal stage of the performance improvement procedure (stages one to three inclusive).

A colleague wishing to appeal against a decision made under the formal performance improvement procedure must lodge a notice of appeal in writing to the committee, stating the full ground(s) upon which the appeal is based, within five working days of receipt of the letter confirming the decision being appealed.

Appeals will not prevent continued observance or monitoring of the performance improvement plan or dismissal of the colleague.

Where possible, the appeal will be heard by a manager not previously involved in the case. The appeal meeting will take into account any new evidence that either party may present and consider its relevance to the decision imposed.

If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful you will be reinstated with no loss of continuity of employment or pay.

Following the appeal meeting we may:

- (a) confirm the original decision;
- (b) revoke the original decision; or
- (c) substitute a different penalty.

We will inform you in writing of our final decision as soon as possible. Where possible we will also explain this to you in person. There will be no further right of appeal.

Other Considerations

Disability

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 your working arrangements, including changing your duties or providing additional equipment or training.

In order to assess whether you are disabled for the purpose of the Equality Act, it may be necessary to refer you to occupational health and/or review your medical records. If you refuse permission to do this, we will make a decision based on the medical evidence available to us.

Record Keeping

Notes should be kept of all informal and formal performance related meetings. A copy of the performance improvement plan will be sent to you and a copy retained on your personnel file.

You will receive written confirmation of all decisions made under any formal stage of the performance improvement procedure.

Confidentiality

Our aim is to deal with performance matters sensitively and with due respect for the privacy of any individuals involved. All colleagues must treat as confidential any information communicated to them in connection with a matter which is subject to this performance improvement procedure.

You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or meetings conducted under this procedure.

You will normally be told the names of any witnesses whose evidence is relevant to your performance improvement meeting, unless we believe that a witness's identity should remain confidential.

Performance Improvement Meetings During Sickness Absence

In cases where you are prevented from attending performance improvement meetings due to illness, we may seek confirmation of your incapacity to attend from your General Practitioner (GP) or an Occupational Health Advisor.

We will consider each case individually but reserve the right to hold performance improvement and/or appeal meetings in your absence if reasonable attempts to hold the meeting have been exhausted. Furthermore, we only pay statutory sick pay (SSP) if you are absent by reason of sickness following notification of performance improvement proceedings against you, in circumstances where it is deemed appropriate to do so.

Where a performance improvement plan is in place and you are absent from work due to sickness, it does not automatically excuse you from achieving the required targets/improvements. Whether your absence is a material factor will depend on the circumstances and will be considered on an individual basis. Where sickness absence is a material factor, the options open to a manager when assessing your performance include ignoring the sickness absence and assessing you against the targets/improvements previously set, extending all (or some) of the periods set for performance review, or amending the required targets/improvements to take account of your sickness absence.

Handling Grievances that arise during the Performance Improvement Procedure

Any concerns that you have regarding performance improvement proceedings taken against you should be raised as part of the formal procedure (e.g. at a meeting) and those concerns will normally be considered within this procedure.

Any grievance raised by you where you are already subject to a performance improvement process (and which does not relate to it) will be handled as a separate process in accordance with the Grievance Policy.

Additional Support

If colleagues have any questions regarding this policy or require additional support, you should speak to your manager. Alternatively, you can contact the Committee.

This policy adopted at a meeting of Eldene Pre-School & Toddlers

Held on: 14th November 2022

Reviewed: 2nd October 2023

Date of next review October 2024

Signed on behalf of the management committee

A. Hanrahan

Name of signatory An-Marie Hanrahan - Chairperson