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# PERFORMANCE MANAGEMENT PROCEDURE




J & E Hall Limited

Policy Owner – Director of HR

## Document History

Issue	Date	Amendment Comment
Issue 1	March 2023	General issue, separated from Disciplinary policy

## Document Authorisation

Description	Name	Position	Sign
Prepared By:	Lauren Mann	HR Advisor	
Reviewed By:	Amy Millis	HR Advisor	
Authorised By:	Martin Jefkins	Director of HR	

## **Policy aims and objectives**

We are committed to encouraging and supporting our employees in working to the best of their abilities. Not only will this help us achieve more as a business but we have found this approach delivers greater job satisfaction for employees too.

We have high standards and therefore expect a high level of performance from our employees. We are committed to providing appropriate training and support to help you acquire the skills and knowledge to carry out your responsibilities satisfactorily.

We aim to give you regular feedback on how you are doing and what areas, if any, you need to improve upon. Your line manager will do this informally as part of day-to-day management, and more formally during performance appraisals. We also expect you to keep your line manager informed of any difficulties you are having with performing your job so that we can assist you if necessary.

The purpose of this procedure is to bring about an improvement in your performance if you are not achieving the standards we expect.

## **Status of this procedure**

This procedure applies to all employees once they have completed their probationary period.

This procedure does not give any contractual rights to individual employees. The company reserves the right to alter any of its terms at any time, although we will notify you of any changes.

## **General principles**

At our discretion, we may choose to deal with minor instances of unsatisfactory performance informally by way of counselling, guidance, instruction or informal cautioning. If a problem continues or we judge it to be sufficiently serious, the following performance management procedure will apply.

Before making any formal decision under this procedure, we will carry out the following steps:

- at each stage, we will meet with you (in what we will call a performance review meeting) to discuss our concerns. We will listen to what you think and will tell you clearly what the outcome of the meeting is and what you can expect to happen next.
- we will write to you before a formal meeting to tell you what we will be discussing. We will also let you have any supporting documentation before the meeting. If you do not understand the letter, you should ask HR for an explanation.
- formal meetings will usually be conducted by your line manager.
- in some circumstances, we may adjourn a meeting if we require further information or need time to investigate an issue. You will be given a fair opportunity to consider any new information before the meeting is reconvened.

- you have the right to appeal against any formal action taken against you under the procedure. See 'Appeals' below.

### **Conduct of meetings under the procedure, including appeals**

All performance review meetings, including appeals, will be held at a reasonable time and place. If you are asked to attend a meeting, you must take all reasonable steps to attend. If, without good cause, you are persistently unable or unwilling to attend, we will consider the matter in your absence and make a decision based on the information available to us.

### **Right to be accompanied in formal meetings**

In any formal meeting held under this procedure, including appeals, you have a statutory right to be accompanied by a fellow worker or trade union official of your choice. You should let the person organising the meeting know who will be accompanying you, if anyone, in advance of the meeting.

Your companion will be allowed to make representations on your behalf and ask questions but will not be allowed to answer questions on your behalf or prevent anyone else from making a contribution to the meeting.

### **Formal action**

#### **Stage 1: First written caution**

The first formal step of this procedure is a meeting with your line manager to discuss your line manager's concerns about your performance. Your line manager will outline what aspect of your performance they are not satisfied with and explore with you if there any specific causes. Your line manager will give you the opportunity to explain your position.

As a result of this meeting, we may decide that no further action is necessary under this procedure. If so, we will confirm this in writing.

If, as a result of what you discuss at the meeting, your line manager remains of the view that you are underperforming, they will consider with you if you require any specific support or training or whether any other changes to the way your work is organised should be made.

Alternatively, we may decide that because of your unsatisfactory performance you should be given a first written caution setting out a performance improvement plan. We will discuss the contents of the plan with you and, where we can, agree it with you. If you are given a performance improvement plan, we will send you a copy of it after the meeting and tell you of your right to appeal against the outcome of the meeting.

The plan will include the following information:

- a description of the ways in which we consider your performance to be unsatisfactory;
- the action or improvement that is required of you;
- how your performance will be monitored;

- any support or training that we will provide or any other changes that we will make to assist you;
- if appropriate, the timescale for you to take any action. Usually this will consist of a short period of 1 or 2 months in which you must show immediate improvement, followed by a longer period, usually adding up to a total of six months, during which you must sustain this improvement;
- the consequences if you do not take the required action, if you fail to improve, or if there is a further drop in performance;
- the fact that you must maintain a satisfactory level of performance in other aspects of your job;
- review dates, which will usually be timed to coincide with the end of the period designated for immediate improvement and then periodically during the longer period; and
- when the caution will cease to have effect, subject to satisfactory performance. This will normally be after six months but a longer period may be stated in exceptional cases.

If, at the end of the review period, we are satisfied with your performance, we will write to tell you that no further action will be taken under the procedure.

However, if you fail to meet your targets for immediate improvement or fail to sustain the improvements required at any stage during the designated period, then we will start Stage 2 of this procedure. We will also do this if you seriously underperform in any way during the currency of your performance improvement plan.

## **Stage 2 – Final written caution**

In the event of continuing unsatisfactory performance, we will write to you asking you to attend a formal Stage 2 performance review meeting to discuss your performance. The letter will explain how we think you have failed to meet the performance standard expected of you. You will be given any relevant supporting documentation before the meeting.

At the meeting, we will outline what aspect(s) of your performance we are not satisfied with and explore with you if there any specific causes. We will give you the opportunity to explain your position.

If we conclude it is necessary, you will be issued with a Stage 2 (or final written caution) which will set out the details of a performance improvement plan. The plan will cover the same information as set out in a first written caution and will be confirmed to you in writing. We will discuss the contents of the plan with you and, where we can, agree it with you.

However, the time period for you to show a sustained improvement before the caution will expire will normally be longer, so the duration of the caution will normally be 12 months. The caution will also explain that, if you fail to meet your targets for immediate improvement or fail to sustain the improvements required at any stage during the designated period, then we will start Stage 3 of this procedure which could result in your employment being terminated, or you being redeployed. We will also start Stage 3 if you seriously underperform in any way during the period of your performance improvement plan.

### **Stage 3**

Possible outcomes of Stage 3 of this procedure are redeployment or dismissal.

We will write to you asking you to a formal Stage 3 meeting to discuss your performance. The letter will explain how you have failed to meet the required standard and that two possible outcomes of the meeting are redeployment or dismissal. You will be given any relevant supporting documentation before the meeting.

The meeting will cover whether there are any further steps that could reasonably be taken to bring your performance up to the standard required for your job. You will be given the opportunity to put your case at the meeting.

If your performance has not improved and there is little evidence that any more time or support will make a significant difference, following this meeting the chair of the meeting may decide that we cannot continue to employ you in your current job and your notice period will commence from that date. Dismissal will normally be with full notice or payment in lieu of notice, subject to the circumstances and is at the discretion of the Company.

If that is the case, we will consider whether any alternative roles are available that would suit your skills. If we identify any possible roles, you will be given the opportunity to apply for these. If your application is successful and you agree to any consequent changes in your terms and conditions (which could include changes to your pay and benefits), then we will continue to employ you in the new role and your notice of dismissal will be revoked.

However, if within one month of the Stage 3 meeting we have been unable to find any suitable alternative jobs for you to apply for, if your applications are unsuccessful, or if you do not agree to the new terms and conditions offered in connection with any alternative roles, we will continue with your dismissal.

### **Missing out stages**

Occasionally, we may miss out one or more stages of this procedure. Some examples of when we might do this are:

- where the underperformance is particularly serious or has particularly serious consequences; or
- where we have come to the reasonable opinion that we have exhausted appropriate ways to assist you to improve.

### **Appeals**

You may appeal against any decision made under this procedure. If you wish to appeal you should do so in writing, stating the full grounds for your appeal, to the HR Department within five working days of receiving our written confirmation of the decision.

Wherever possible, your appeal will be heard by a manager who is senior to the one who conducted the performance review meeting. You have the right to be accompanied (see above) at the appeal meeting. We will normally confirm the outcome of the appeal to you in writing within five working days following the appeal hearing.

## **Confidentiality, data protection and record keeping**

We aim to deal with performance management under this procedure fairly and with due respect for the privacy of the individuals involved. All employees must treat as confidential any information communicated to them in connection with performance management under this procedure.

Managing performance under this procedure involves us processing the personal data of the employee concerned. We use this personal data in order to assess the employee's current performance, set improvement goals and provide support towards improvement, review progress and make decisions about continued employment. Our legal grounds for doing so are that it is necessary:

- to comply with our legal obligations (e.g. not to dismiss unfairly for poor performance)
- for the performance of the employment contract (i.e. to ensure that employees are performing their contractual duties to an acceptable standard)
- in our legitimate interest to effectively manage employees' performance in order to ensure continued business success

Special category data<sup>1</sup> and data relating to criminal convictions or offences may occasionally need to be processed as part of performance management under this procedure – for example, where an employee states that their poor performance is as a result of a medical condition. Our additional legal grounds for using such data are that this is necessary: to exercise legal rights/comply with legal obligations in relation to employment; and to establish, exercise or defend legal claims.

Details of performance management conducted under this procedure will only be shared on a need to know basis. This will ordinarily mean that details may be shared with: HR; your line manager; managers who conduct performance review meetings as part of the procedure; and other managers for whom you may be working when the procedure is taking place.

More general information regarding data protection, including details of who your personal data is shared with, your individual rights under data protection law and who you should contact if you have any concerns, is contained in our main employee privacy notice, which can be accessed via the Company website.

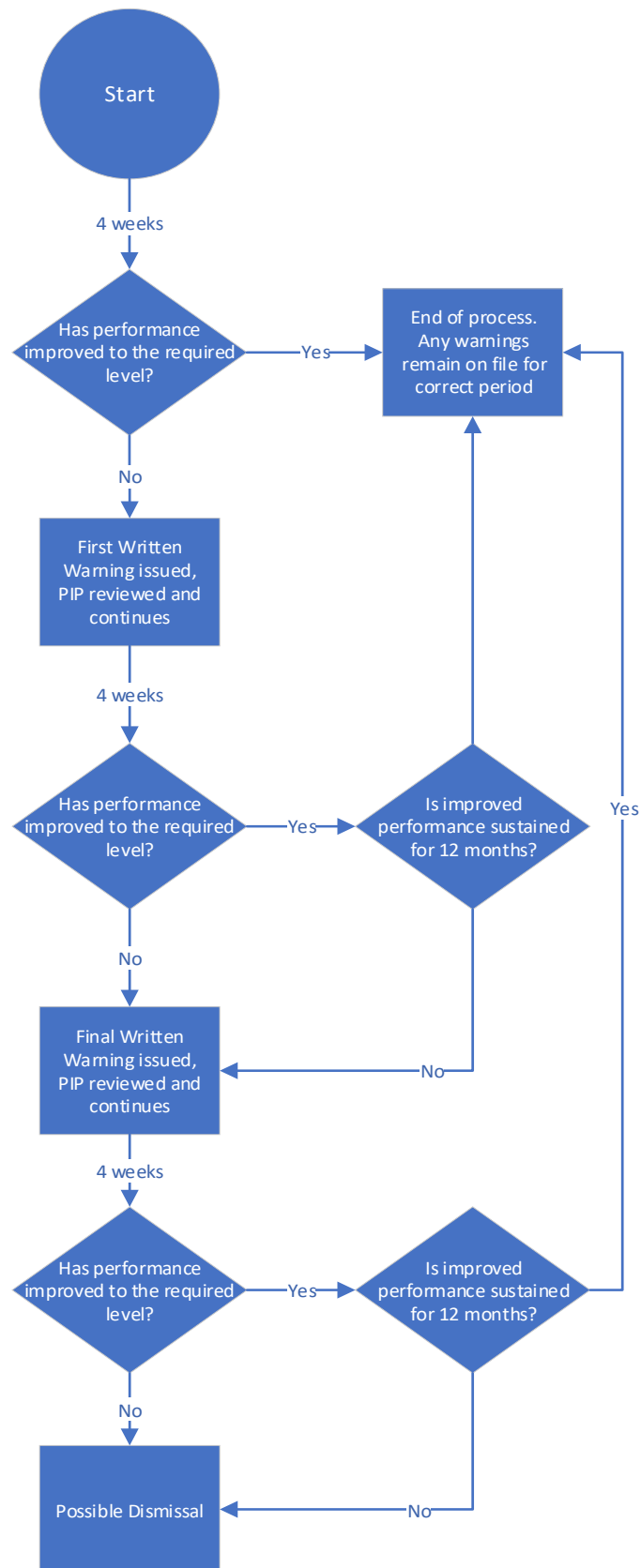
## **Status of this procedure**

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<sup>1</sup> (i.e. personal data about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health conditions, sex life or sexual orientation, biometrics (if used for identification purposes) or genetics )

Appendix 1 – Performance Improvement Plan (PIP) Process



We may miss out or expedite stages of this process if we think it is reasonable in the circumstances.