



The Scottish Parliament  
Pàrlamaid na h-Alba

# Improving Performance Policy and Procedure

Poileasaidh air Leasachadh  
Coileanadh

*January 2020*



# Improving Performance Policy

## Introduction

The SPCB is committed to providing a working environment and fostering a culture which actively encourages, facilitates and recognises effective performance.

The standards of performance required of you will be communicated to you by your line manager and reinforced through regular, constructive feedback and coaching and support conversations, to allow any performance difficulties to be identified and addressed quickly.

In addition, we have in place a range of appropriate measures in order to minimise the potential for performance below an acceptable level. These include:

- Effective provision in relation to recruitment and selection;
- Induction and probation; and
- Learning and development.

## Who does it apply to?

This policy and procedure applies to all staff employed by the SPCB, with the exception of those staff on probation or on temporary promotion and it details the procedures which will be followed if you do not meet the standards of performance expected, with a view to assisting you to improve your performance to a level that is acceptable.



# Improving Performance Policy

## What are the key principles?

“Performance” is your ability to carry out your duties in order to meet your responsibilities and objectives and the way in which you do this. Your performance may be considered unacceptable if you do not demonstrate the skills, behaviours and/or abilities required to effectively fulfil all or a significant portion of the requirements of your role. Regular conversations with your line manager will allow any performance difficulties to be identified and addressed quickly.

The procedures are intended as an aid to good management and are designed to ensure that if your standard of performance is not acceptable, that this is captured quickly and that you are encouraged and assisted to improve your performance through positive management intervention and support. They are not, therefore, punitive in nature.

Performance below an acceptable standard will be managed in a way that is sensitive to both your needs and the needs of the business. You will also be given the opportunity to put forward your case before any decision is made to proceed to use the formal procedures.

Information relating to the management of individual performance cases will be recorded out with TRS and restricted to those who need to know it in accordance with the Equality Framework.

## What do I need to know?

Insufficient improvement in performance will lead to the formal stages of the procedures being invoked and may result in sanctions being imposed, up to and including dismissal. The HR Office will provide line managers with advice as to if, and when, it is appropriate to move from the informal performance management approach to the formal procedure. In doing so, HR will take account of individual circumstances and the severity of the performance issues identified (and the associated level of potential damage to the organisation). Our procedures set out a clear framework to enable managers to deal with unacceptable performance in a fair and consistent manner, without undue delay.



# Improving Performance Procedures

## Informal Stage: Opportunity to Improve

Your line manager will meet with you to:

- explain the standards that are expected of you and where you are not meeting those standards; and
- set an improvement plan which will include the action you need to take to meet the standards that are expected of you, the time you have to make the improvements and how he or she can support you.

At the end of the improvement period, your line manager will meet with you to review your progress. If improvement has been achieved and your performance is now at a level that is acceptable, then this will also be confirmed in writing and you will revert to your usual conversations with your line manager.

If your line manager still has concerns, you will be given a written report to explain where you are not meeting the standards required and what further action might be taken. Your line manager might consider that formal action is appropriate and will progress to the formal stage in this procedure.

Managers must consult with the HR Office prior to taking any formal action.

## Formal Stage: Performance Hearing

The Hearing will normally be conducted by the Head of Office/Group of the relevant business area.

The Hearing Manager will arrange to meet with you to:

- discuss the report; and
- allow you to express your views on the issues within it.

You will be given a minimum of seven working day's notice of the Hearing.

The Hearing Manager will adjourn the meeting to consider the evidence and to determine whether a sanction is appropriate. This may be a first written warning, final written warning or termination of employment. If possible, he or she will tell you their decision that day and will explain to you the reasons for their decision and sanction if appropriate, and the procedures for lodging an appeal. Their decision will be followed up in writing. You may be assisted by a trade union representative or work colleague. A representative from the HR Office will also be present.

# Improving Performance Procedure

## Appeal Hearing

You have the right to appeal against any sanction under formal stage. To do so, you should write to the Appeal Manager within 7 working days of the Hearing Managers decision. The Appeal Manager will:

- arrange to meet with you to consider your appeal. All relevant issues will be considered.
- tell you their decision following the meeting, on the same day if practicable.

You may be assisted at the appeal meeting by a trade union representative or a colleague. A formal note of these meeting will be taken. A representative from the Human Resources Office will be in attendance to assist the Appeal Manager and provide procedural advice.

You will receive confirmation of the decision in writing within seven working days of the Appeal Hearing. His or her decision is **final**.

## Order of Events

Ordinarily the Improving Performance Procedure will follow the sequence outlined. However the SPCB reserves the right to invoke the procedures set out at any stage and to miss out a step or steps if it considers it appropriate in the circumstances. If this occurs, reason will be given.

## What levels of sanction can be imposed?

The level of the sanction imposed will depend upon the circumstances of each case. In exceptional circumstances, sanctions applied under these procedures may be referred to even after they have elapsed. It will be a matter for the HR representative to advise the manager whether such exceptional circumstances arise in any particular case. It will be for the Hearing Manager or Appeal Manager to decide whether or not to take that into account when deciding on an appropriate sanction.

### **First written warning**

This sanction will normally be imposed if:

- the member of staff has failed to bring their performance up to an acceptable level following the informal stage of the procedure.

### **Final written warning**

This sanction will normally be imposed if:

- the member of staff has failed to bring his or her performance up to an acceptable level following a first written warning; or
- performance drops below an acceptable standard during the period when a first written warning is live.

# Improving Performance Policy

## What levels of sanction can be imposed? (Continued)

### **Termination of employment (with notice or with payment in lieu of notice).**

This sanction will normally apply if:

- The member of staff has failed to bring his or her performance up to an acceptable level following a final written warning; or
- performance drops below an acceptable standard during the period when a final written warning is live.

Normal expiry period for the above sanctions: 12 months

## Who has the delegated authority to apply sanctions?

The Clerk/Chief Executive has delegated authority to all Heads of Group to impose sanctions up to and including dismissal. Heads of Office may, however, still undertake the role of Hearing Manager and have the authority to impose sanctions up to but not including dismissal. If the Hearing Manager does not have the authority to dismiss and considers that the correct sanction is dismissal, he or she must make a recommendation to dismiss to their Head of Group who will ultimately make the decision and, if appropriate, sign any letter of dismissal. If the Head of Office/Group has been previously involved, the Assistant Clerk/Chief Executive with line responsibility will take the decision. If that Assistant Clerk/Chief Executive is unavailable or has been previously involved, the case will be referred to another Assistant Clerk/Chief Executive nominated by the Human Resources Office

In relation to the Clerk/Chief Executive and the Assistant Clerk/Chief Executives, a nominated member of the SPCB will have the authority to dismiss and any appeals against such a decision will be made to the Presiding Officer.

## Further Information

If you have any enquiries about this policy, please contact the HR Office (ext: 86500).

# Improving Performance Policy and Procedure

***For further information contact:***

*HumanResources@parliament.scot*

*0131 348 6500*

