



DRAFT Managing Performance Policy

Purpose

1. Hampshire County Council is a diverse organisation. We take pride in promoting, valuing and celebrating diversity as an inclusive employer.
2. As a public body serving Hampshire, we seek to ensure zero tolerance of harassment, discrimination, bullying and abuse and will respond promptly to any incidents of these in accordance with the Council's Zero Tolerance Statement.
3. To deliver continuous service improvements to Hampshire residents and respond to transformational changes, we must all deliver high performance. The Council is committed to supporting employees to fulfil the requirements of their role and provides resources to all employees on performance management processes.
4. The Council acknowledges that there may be circumstances when an employee does not perform to the required standards. This may happen because the employee does not have the necessary skills, knowledge, experience and /or the employee may not demonstrate the appropriate behaviours.
5. This policy defines how the Council will manage the situation if an employee is unable to demonstrate that they are performing to the required standards of their role.
6. The Managing Performance Policy and guidance is non-contractual and does not form part of any employee's terms and conditions.

Scope

7. This policy applies to all staff employed by a Hampshire County Council Directorate (outside of schools) on the following terms and conditions:

- EHCC 2007
- Soulbury

For Teachers (non-schools) refer to: Guidance and resources on managing performance of teachers outside of schools.

8. For the purpose of this policy, the above staff groups are referred to as employees.
9. This policy does not apply to:
 - Volunteers

- Contractors
 - Agency workers.
10. Employees that have been subject to a TUPE into Hampshire County Council may be excluded from this policy if they are subject to express contractual terms and conditions of employment covering performance management. In such cases, the employee should refer to their own contractual policies and procedures. Otherwise, they will be subject to this policy.

Policy Outcomes

11. The intended outcomes of this policy are to:
- ensure the employee is made aware of any performance concerns at the earliest opportunity
 - support the employee to perform successfully in their role
 - manage unsatisfactory performance positively
 - provide a framework for managing unsatisfactory performance
 - support a culture of high performance within the Council to deliver an effective service to the public.

How to use this document

12. The document has been written in the second person to address the line manager, referred to throughout the document as 'you'.
13. Key definitions are provided in **Appendix X**.
14. This guide uses 'must' to set out actions that you or employees must always take. This guide uses 'should' to set out actions that you or employees should take unless there is a good reason not to.
15. Check this is the correct Policy and How to Guide to use. These are possible alternatives:
- **Managing Misconduct Policy** - Conduct or behaviour which is considered to be willful, negligent or a breach of policies or rules: refer to the **Managing Misconduct Policy**. **See How to distinguish unsatisfactory performance and misconduct**
 - **Managing Sickness Absence Policy** - Absence from work due to sickness: refer to the **Managing Sickness Absence Policy**.
 - **Performance management processes** - Annual performance review for employees: refer to **Valuing Performance overview | Staff and managers** (hants.gov.uk).
 - **Reasonable Adjustments Policy** If the employee has a disability: refer to the **Reasonable Adjustments Policy**
 - Where an employee has concern(s) about a decision or action taken when applying the policy: Discuss the concern with the grandparent line manager. If matters are related - use the meetings and appeals process within the policy. If matters are unrelated - run the policy and the **Resolving Workplace Issues**

Policy concurrently. Or, in certain cases, action under the Managing Performance Policy may be paused to address the concern.

CONFIDENTIAL

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Section 1 – Policy Stages

17. You must manage the employee's performance and determine when it is appropriate to take action under this policy.
18. For employees with less than two years' continuous service with Hampshire County Council, the shortened process as detailed in **Appendix 1** must be used.
19. For employees with more than two years' continuous service, the possible stages are:
 - Management Discussion
 - Formal Stage One – may result in a formal warning
 - Formal Stage Two - may result in dismissal
20. The employee has the right to appeal the outcome of a formal meeting.
21. You should have a Management Discussion prior to progressing to a formal stage.
22. If an employee has a disability as defined by the Equality Act 2010, you must refer to the Reasonable Adjustments policy and How to Guide before progressing to the Management Discussion or formal stages of the policy.

Section 2 – What you need to know before you start

How to distinguish unsatisfactory performance and misconduct

23. You must consider whether it is appropriate to use the Managing Performance Policy. In some circumstances it may be more appropriate to apply the Managing Misconduct Policy.
24. To help decide which policy to apply, you will need to consider the following:
 - does the employee have the necessary skills?
 - has the employee completed relevant training to develop the necessary skills?
 - does the employee have the necessary knowledge for the role?
 - has the employee previously been able to perform to the required standards?
25. If the employee does not have the necessary skills, knowledge or experience, apply the Managing Performance Policy.
26. If you consider that an employee's behaviour or conduct is deemed to be willful or negligent, it is appropriate to apply the Managing Misconduct Policy.
27. Examples of unsatisfactory performance and gross incompetence are included in **Appendix X** and **Appendix X**.

Senior Responsible Officer

28. A Senior Responsible Officer (SRO) is appointed within the Directorate. It is the SRO's role to determine if the matter is to progress to a formal meeting or not, and

to determine the level; the SRO is accountable for ensuring a manager at the appropriate level has the required capability and is freed from their substantive role sufficiently to produce a management report and conclude the matter as quickly as possible.

Right to be accompanied

29. The employee is not usually accompanied at any discussions at the Management Discussion stage or at review meetings. There may be circumstances, such as a reasonable adjustment when the employee asks to be accompanied and consideration should be given to any requests. This should be accommodated where it does not cause a delay to the process.
30. The employee has the right to be represented/ accompanied at a formal stage meeting or an appeal meeting. This can be by a trade union representative or a work colleague. The trade union representative does not have to be one that is formally recognised by the County Council.
31. It is the employee's responsibility to:
 - arrange their own representative/work colleague
 - liaise with their representative/work colleague to attend the formal meeting or appeal meeting
 - advise management of the representative's/work colleague's details
32. There is no right to legal representation at any stage of this policy.

How to manage anticipated long-term performance concerns related to a disability (Reasonable Adjustments)

33. There may be circumstances where the issue causing the performance concern is not short-term or temporary as it is due to a long-term disability.
34. Where an employee may have a disability (as classified by the Equality Act 2010), you must refer to the Reasonable Adjustments Policy and guidance before progressing under the Managing Performance Policy. You must consider reasonable adjustments as a matter of priority as a way to support an employee with a disability.
35. If, having considered reasonable adjustments, the employee is still not meeting the required standards, the following options may be considered if appropriate:
 - an Occupational Health referral
 - to explore medical redeployment
 - to explore ill health retirement (if the employee is a member of a pension scheme)
 - to initiate the Managing Sickness Absence policy if the employee is absent through sickness.

Safeguarding

36. If there is any Safeguarding concern, **see Safeguarding**

Section 3 - Management Discussion Stage

37. As a manager, Hampshire County Council expects you to have open and transparent discussions with employees to address performance concerns.
38. You must raise a performance concern promptly with the employee. If it is not the first time you have raised the concern or if it is more than a minor concern, then you should address this with a Management Discussion.
39. You must determine the most appropriate time to have a Management Discussion. The Management Discussion could be a separate meeting or part of a normal one-to-one meeting. However you hold the meeting, you should tell the employee that the discussion is a Management Discussion under the Managing Performance Policy.
40. The employee is not usually accompanied at the Management Discussion. There may be circumstances when the employee asks to be accompanied and consideration should be given to any requests. This should be accommodated where this is a Reasonable Adjustment and where it does not cause a delay to the process.
41. Summary points for managing unsatisfactory performance
 - recognise that there is a problem/concern
 - hold a meeting to establish what causes the unsatisfactory performance
 - reiterate the required standards of the role
 - manage employee expectations of the role
 - develop an action plan together if appropriate
 - set an Improvement Period if appropriate
 - encourage a healthy work-life balance
 - ensure regular reviews and follow-ups
 - recognise progress
 - practice performance coaching
 - provide feedback
 - retain thorough documentation
 - escalate to next stage if performance doesn't improve.
42. You must first discuss the employee's performance with them at the earliest opportunity. You should:
 - explain that you have reviewed their performance and explain their performance is not at the standard required
 - provide clear examples of when and why performance has been unsatisfactory
 - be specific about what is required of them. This may be in relation to their job role, behaviour, attitude, or another aspect
 - explore the reasons why the employee is not meeting the required standards - these may include:
 - any system faults
 - insufficient skills, knowledge and/ or experience
 - the employee has not been given sufficient training and support

- a health condition, which may be temporary or permanent
 - a lack of motivation in the role that could be due to several reasons
 - external pressures not related to work
 - determine the extent to which the reason for the unsatisfactory performance is because the employee:
 - did not fully understand what they were expected to do – unclear expectations
 - could not do it – ability
 - did not know how to do it – skill
 - would not do it – attitude
 - use discovery questions to gain a fuller understanding of the employee's view, examples include:
 - how do you see / what's your view...
 - what's important about...
 - what do you think about...
 - what did you do...
 - is there anything else you could have done...
 - is there any reason for xxx not being done...
 - what do you believe will work...
 - give the employee time to think, reflect and answer
 - establish whether the employee has taken action to address the concern(s)
 - ask if there are any issues with their work-life balance, and if so discuss if there are ways to address the issues
 - explore any support that is required, ensuring the employee is made aware of sources of support [see Support].
 - if the employee has a disability, consider whether the unsatisfactory performance is related to that disability. You should refer to the Reasonable Adjustments Policy and How to Guide if this is the case.
 - restate what you want to happen - what do they need to do differently.
43. You are responsible for considering the circumstances of the employee's performance and the service context and decide the outcome. Factors affecting your decision of what action is appropriate will include:
- frequency of performance concern occurring
 - impact on team or service delivery
 - whether there are underlying issues impacting on the employee's performance (work or home related)
44. If you need support in reaching your decision, you should speak to your line manager.
45. The possible outcomes include:
- no further action as the employee provides an explanation and you determine there is no on-going performance concern
 - provide additional support, training or workplace options such as considering alternative working patterns or changes to the role
 - seek input from Occupational Health
 - consider reasonable adjustments if the employee has a disability

- a specific Review Date is set that relates to relevant circumstances, examples include completion of agreed training, receipt of medical advice
 - an Improvement Period is set and, where appropriate, an action plan is detailed that sets out actions that will be taken by you and the employee [see 'Action Plan']
46. A clear statement should be made to the employee that if they are unable to improve their performance, further action under the formal stages of the Managing Performance Policy may be necessary and that pay step progression may be withheld.
47. You should keep a record of the Management Discussion. A template form is available for this purpose. <https://extra.hants.gov.uk/employee/policy-guidance/managing-people/managing-performance>
48. This form may be used when any concern is initially discussed with the employee and also any subsequent discussions to record any improvement made/not made, and when any concerns are resolved.
49. When completing the Management Discussion form, you should:
- agree the record with the employee if possible
 - share the record with the employee
 - keep a copy on the employee's personnel file.

Improvement Periods

50. An Improvement Period is a period of time in which the employee must achieve and maintain the required level of performance. An Improvement Period may be set as a result of a Management Discussion or as a result of a formal stage meeting.
51. You should use your judgement to decide if an Improvement Period is appropriate and its duration. It is expected that in most cases, an employee should be able to demonstrate an improvement in their performance within 8 weeks. The actual timescale will depend on the nature of the performance issues, the job role and the impact of the unsatisfactory performance on the service provision. Some issues could be resolved within 1 to 4 weeks. Other issues may take 4 to 8 weeks, or longer. You must use your judgement in the circumstances.
52. The following circumstances may lead to a shorter Improvement Period:
- employees with less than two years' HCC continuous service must be managed in accordance with Appendix 1 of the policy. It would be reasonable to set a shorter Improvement Period for employees with a short length of service.
 - the performance concerns have occurred in quick succession or are a repeating pattern, so it is reasonable to expect the employee to be able to demonstrate the required standard in a shorter period
 - the employee is in a critical role and their individual level of performance is having a significant impact on service delivery
 - any history of unsatisfactory performance – have there been previous

concerns that have been discussed with the employee.

53. The following circumstances may lead to a longer Improvement Period:
- if there is an underlying health condition that is currently being treated, then it may be appropriate to set an Improvement Period that is linked to the treatment. However, the Improvement Period should normally be no longer than 12 weeks
 - the reasons for the unsatisfactory performance – are there any other issues that could be impacting on performance? Are there any extenuating circumstances (as defined in the policy) that need to be considered?
 - whether any workplace changes or Reasonable Adjustments are required and if so, how long this might take to arrange. You should act quickly to address any such actions. If the Reasonable Adjustments are not put in place in a timely manner, the Improvement Period should be adjusted accordingly.
54. You should be able to explain to the employee why you have determined this Improvement Period, and that if they do not meet the required standards of the role it may result in progression to the next stage of the policy.
55. When a Formal Warning is issued under Formal Stage One, the Improvement Period lasts for the warning's duration.
56. During the Improvement Period, you should use your judgement to decide whether to recommend that step progression is withheld (see 'Withholding Step Progression')
57. Where a Formal Warning is in place, you must withhold step progression in accordance with the Salary Policy.

Review meetings

58. The purpose of review meetings is to provide an opportunity to:
- review the employee's performance
 - review any action plan as appropriate
 - discuss any other support/ training that may be relevant
 - establish whether there is a need to progress to the next formal stage.
59. You should use your judgement to decide when it is reasonable to review the employee's performance. Frequency of review meetings should reflect a period in which the employee is expected to be able to demonstrate some improvement. This could be every 1 to 4 weeks if improved performance can be demonstrated in this period, or every 4 to 8 weeks if this is more appropriate. You may decide to set review meetings over a longer period of time if the performance concern relates to an infrequent activity.
60. You must review the employee's performance at these meetings and discuss with the employee any improvement and any areas where performance continues to be below the standards required.

61. Once the employee is sustaining an improvement in performance, together you can agree to decrease the frequency of the meetings.
62. At the end of an Improvement Period a final review should include an assessment of whether:
 - sufficient improvement has been attained and maintained, and no further action is to be taken
 - sufficient improvement has not been attained and maintained, and progress to the next stage is to be considered
 - in exceptional circumstances, extend the Improvement Period and set another review period.
63. A written record should be made of each discussion. You should:
 - agree the record with the employee if possible
 - share the record with the employee
 - keep a copy on the employee's ePF.

Specific Review Dates

64. If it is not helpful to set an Improvement period until you have further information, you may set a Review Date that is expected to be no longer than 3 months after the Management Discussion, or the formal meeting. You should consider the following in setting the Review Date:
 - the date on which advice will be received from Occupational Health (if appropriate)
 - the date any agreed training should be completed and the employee has had the opportunity to demonstrate their learning
 - any other relevant factor which leads to an appropriate review date
65. You should continue to monitor the employee's performance between the meeting and the Review Date.
66. You should review the employee's performance at the review date and discuss with the employee their current circumstances.
67. Potential outcomes of the review are:
 - no further action
 - to continue under Management Discussions
 - to progress to the next stage of the Policy
 - in exceptional circumstances, set another Review Date.
68. A written record should be made of each discussion. You should:
 - agree the record with the employee if possible
 - share the record with the employee
 - keep a copy on the employee's ePF.

Action Plans

69. An action plan is a tool for you and the employee to use to assist with improving performance during an Improvement Period. You should use your judgement to decide whether an action plan would be useful to document actions and next steps to support the employee during the Improvement Period. This is likely to depend on the nature of the concerns and reasons for them. A template action plan is available [\[link to web page\]](#)
70. The action plan could include:
- a reminder of the targets set in the Improvement Period
 - what actions will be taken by the employee
 - any actions to be taken by you – such as arranging specific support, training or guidance
 - what the timeframes are for these actions
71. Working with the employee, you should agree the action plan if possible. You must share the action plan with the employee and keep a copy for your records.
72. You should review the action plan with the employee at regular intervals during the Improvement Period. The action plan should be updated to record improvement attained and any new issues raised.

Progression to a formal stage

73. It is expected that you will have had a Management Discussion prior to progressing to a formal stage. In some circumstances, it may be appropriate to start at the formal stage without a documented Management Discussion under this policy; you should use your judgement to decide if this is appropriate in instances which include where:
- there have been repeated documented conversations, but these have not been explicitly stated as being Management Discussions under this policy
 - there is strong evidence of gross incompetence.
74. You, following discussion with the SRO, can decide to move to the next stage if it is apparent that the employee is already failing to achieve the required standard even though they are only part way through an Improvement Period, however the employee must be given an adequate time to achieve the required standard of performance at each stage.
75. Progression to the next formal stage should occur if the employee:
- is evidently not going to achieve the required improvement before the end of the Improvement Period
 - has not met or has only partially met any targets you have set by the end of the Improvement Period
 - has been unable to sustain an initial improvement within the Improvement Period
 - has presented further performance concerns which may be for a different reason

- has not sustained an improvement for a 24-month period following a Formal Stage One meeting
76. If you have previously set an Improvement Period, which resulted in improved performance, but performance then declines, it may be reasonable to progress straight to a Formal Stage One meeting, without setting a further Improvement Period under a Management Discussion stage. These circumstances include:
- where the employee has already been set an Improvement Period in the last 24 months
 - where the employee has received a Formal Warning, but this has expired within the last 24 months
77. If you think it may be appropriate to progress to a formal meeting, discuss this with your line manager. A Senior Responsible Officer (SRO) will be appointed by the Directorate who will decide whether to progress.

Patterns/history of unsatisfactory performance, live warnings and expired warnings

78. There may be a history of concerns about an employee's performance. Previous formal warnings or Management Discussions should be on record. There may be other examples of unsatisfactory performance and/or where employee has been unable to sustain the required standard of performance.
79. A performance concern may arise while a Formal Stage One warning is still live. The Chair of the formal meeting will take into account the previous warning if the matter proceeds to a Formal Stage Two meeting, this may mean that the employee is dismissed.
80. An expired warning from Formal Stage One cannot be used to escalate a concern to Formal Stage Two. However, if there is an expired warning, the manager could determine that it is reasonable to go straight to Formal Stage One, without a further Improvement Period being set at the Management Discussion stage.
81. Expired warnings may also be taken into consideration in deciding the appropriate length of a Formal Warning. This means that the length of the Formal Warning may be longer than 12 months (up to 24 months) to ensure that the employee meets the performance targets set and sustains those for a longer period of time.

Section 4 - Formal Stages

Formal Stage One

82. It is your responsibility as the line manager to prepare for and chair the Formal Stage One meeting. HR Operations Casework do not attend this level of meeting; online guidance is available to support you.
83. You are to produce a thorough and impartial management report identifying the concerns and the actions that have already taken place. The report could be supported by documentation from Management Discussions, training records, reports

from Occupational Health if applicable, and consideration of reasonable adjustments if the employee has a disability that impacts on their performance.

84. The employee has the right to be accompanied at a formal stage meeting [see 'Right to be accompanied'].
85. See **Formal meeting procedure**

Meeting attendees

86. Formal Stage One - meeting attendees include:
 - Chair - Line manager or another manager - refer to Directorate Scheme of Authorisation
 - [Optional] 2nd manager to form a panel - refer to Directorate Scheme of Authorisation
 - Employee
 - [Optional] Employee's work colleague or trade union representative
 - [Optional] witnesses (which may include the line manager)
 - [Optional] a note taker
 - [Optional] an observer for training purposes with the consent of all parties.

Potential outcomes of a Formal Stage One meeting

87. The Chair must decide on an outcome, using their judgement in the circumstances.
88. A Formal Stage One meeting is expected to include one or more of the following outcomes:
 - no further action as you determine there is no on-going performance concern
 - providing additional support, training or workplace options such as considering alternative working patterns or changes to the role
 - seek input from Occupational Health
 - consider reasonable adjustments if the employee has a disability
 - a specific Review Date is set that relates to relevant circumstances, examples include completion of agreed training, receipt of medical advice
 - an Improvement Period is set and, where appropriate, an action plan is detailed that sets out actions that will be taken by you and the employee [see 'Action Plan']
 - continue management support and reviews by extending the Improvement Period set under the Management Discussion stage
 - issue a Formal Warning (and therefore Action Plan and Improvement Period)
 - a Formal Warning will normally last for ('remain live') for a period of 12 months but can be extended for up to 24 months were appropriate
 - targets for improving performance and maintaining that performance are to be specified by the Chair. It is not the case that the employee has the duration of the formal warning to improve their performance
 - the dates of review meetings are organised

Issuing a Formal Warning

89. The purpose of a warning is to formally warn the employee that their performance is not at the required standard. The warning that is issued to the employee must:
- set targets to both improve and sustain their performance
 - state how long the Formal Warning will last (see **Length of Warning**)
 - set an expectation that you will hold review meetings with the employee and set an expected frequency [see **'Review meetings'**]
 - state that if the employee fails to meet the requirements of the Formal Warning, that further action may be taken under Formal Stage Two, of which an outcome could be dismissal.
90. If the employee is issued with a warning, the chair must make a clear statement to the employee about the importance of improving their performance. The employee should understand that if they are unable to improve their performance, further action under the formal stages of the Managing Performance Policy may be necessary.
91. Where a Formal Warning is in place, you must withhold step progression in accordance with the Salary Policy.

Length of Warning

92. The Chair of the meeting will decide on the length of a Formal Warning. The length of the Formal Warning is normally 12 months. The Formal Warning period will not be less than 12 months and will be no longer than 24 months.
93. Setting a Formal Warning for between 12 and 24 months does not mean that further action cannot be taken before the end of the Formal Warning.
94. The length of any formal warning depends on:
- the nature of the unsatisfactory performance
 - whether there is a belief that the issue(s) may reoccur
 - whether a warning at the same stage has been previously issued
 - any patterns/history of unsatisfactory performance
95. The following circumstance may lead to a longer Formal Warning:
- a warning has been previously issued for performance, which has expired within the last 24 months, and/or there is a history or pattern of unsatisfactory performance issues [see **Patterns/History of unsatisfactory Performance**]

Employees on fixed term/temporary contracts

96. In the case of employees on fixed term/temporary contracts, the issuing of a Formal Warning does not mean that their contract must be extended to allow them to demonstrate performance for the duration of the warning. If their contract is due to end during the period the Formal Warning is live, the manager should use the normal procedure for ending that contract.

Review meetings for formal warnings

97. See Review meetings

Formal Stage Two

98. For employees with two or more years' continuous service with Hampshire County Council, one potential outcome of a Formal Stage Two meeting is that the employee is dismissed. If the employee has a disability, any reasonable adjustments that have been identified must have been implemented. The dismissal of an employee on the grounds of unsatisfactory performance should be a last resort.
99. You must contact HR Operations before commencing any Formal Stage Two meeting and where the employee has less than two years' service, due to the potential outcome of dismissal.
100. See Formal meeting procedure

Meeting attendees

101. Formal Stage Two:
- Chair - Second line manager or other senior manager - refer to Directorate Scheme of Authorisation
 - Manager to form panel - refer to Directorate Scheme of Authorisation
 - An HR Adviser to support the panel
 - Employee
 - [Optional] employee's work colleague or trade union representative
 - [Optional] witnesses (which may include the line manager or Chair of the previous meeting)
 - [Recommended] a note taker
 - [Optional] an HR Adviser to support the presenting manager (although typically they do not do so)
 - [Optional] an observer for training purposes with the consent of all parties.
102. The HR Adviser to the Panel (Formal Stage Two) does not perform a decision-making role. Their function is to provide advice on legal issues, correct application of the Policy and guidance and procedural matters.

Potential Outcomes of a Formal Stage Two meeting

103. The Chair must decide on an outcome, using their judgement in the circumstances.
104. A Formal Stage Two meeting is expected to include one or more of the following outcomes:
- no further action as you determine there is no on-going performance concern
 - provide additional support, training or workplace options such as considering alternative working patterns or changes to the role
 - seek input from Occupational Health

- consider reasonable adjustments if the employee has a disability
 - a specific Review Date is set that relates to relevant circumstances, examples include completion of agreed training, receipt of medical advice
 - an Improvement Period is set and, where appropriate, an action plan is detailed that sets out actions that will be taken by you and the employee [see 'Action Plan']
 - if a Formal Stage One Warning is still live, a further review date is set
 - in exceptional circumstances, extend the period of the Formal Warning
 - dismissal on the grounds of performance capability with contractual notice. If a dismissal takes place, you are responsible for:
 - cancelling the employee's IT account
 - obtaining the employee's identity card
 - completing the other leaver requirements – see Leavers Checklist.
105. Where a Formal Warning is in place, you must withhold step progression in accordance with the Salary Policy.
106. Any sums owing to Hampshire County Council from the employee will normally be deducted from their final pay.

Gross Incompetence

107. A potential outcome of a Gross Incompetence meeting is that the employee is dismissed on the grounds of performance capability with immediate effect.
108. See **Formal meeting procedure**

Meeting attendees

- Chair - Second line manager or other senior manager - refer to Directorate Scheme of Authorisation
 - Manager to form panel - refer to Directorate Scheme of Authorisation
 - An HR Adviser to support the panel
 - Employee
 - [Optional] employee's work colleague or trade union representative
 - [Optional] witnesses (which may include the line manager)
 - [Recommended] a note taker
 - [Optional] an HR Adviser to support the presenting manager (although typically they do not do so)
 - [Optional] an observer for training purposes with the consent of all parties.
109. The HR Adviser to the Panel does not perform a decision-making role. Their function is to provide advice on legal issues, correct application of the Policy and guidance and procedural matters.

Potential Outcomes of a Gross Incompetence meeting

- any Formal Stage Two outcome
- dismissal on the grounds of performance capability with immediate effect.

Section 5 - Other Policy Requirements

Confidentiality

110. It is expected that all parties involved in the managing performance process will maintain confidentiality as appropriate. This is both within and outside of Hampshire County Council (including social media).
111. If any party does not maintain confidentiality, action may be taken under the Managing Misconduct policy.

Withholding step progression

112. If an employee cannot demonstrate that they are performing to the required standards of their role, and an improvement is necessary to meet the required standard, the annual pay step progression may be withheld in accordance with the Salary Policy and this Policy.
113. In all cases, the employee must have been informed that withholding step progression is a possible outcome of not meeting the job requirements or unsatisfactory performance.
114. Managers must recommend withholding step progression where, at the point that performance management pay decisions are made, the employee has a live Formal Warning (issued as an outcome of a Formal Stage One or Formal Stage Two meeting under this policy).
115. Managers should use their judgement to decide whether to recommend withholding step progression where, at the point that performance management pay decisions are made, a Management Discussion has been held and the employee:
 - is evidently not going to achieve the required improvement before the end of the Improvement Period
 - has not met or has only partially met any targets you have set by the end of the Improvement Period
 - has been unable to sustain an initial improvement within the Improvement Period
116. In such cases, you must use the Salary Policy and How to Guide to take the relevant action(s) to ensure that step progression is withheld.

Redeployment

117. There is no right to redeployment or priority status, as identified in the Redeployment Policy.

Referrals to professional bodies

118. Some professions are required to be registered with a professional body in order to practice.

119. There may be a duty to refer the employee to their professional body
120. You/SRO must refer to the relevant professional body's website for further guidance.
121. You are responsible for completing the referral process. You must keep a record on the employee's personnel file of information that is shared and any decisions taken.

Safeguarding

122. Unsatisfactory performance that is a safeguarding concern must be managed in liaison with Hampshire County Council safeguarding teams, social care and the Police (where appropriate).
123. You must report safeguarding allegations to:
 - the Local Authority Designated Officer (LADO) where it involves children
 - the Adult Services Safeguarding Team where it involves vulnerable adults.
124. There may be up to three possible processes involved in responding to a safeguarding concern which may run concurrently as follows:
 - a police investigation of a possible criminal offence
 - enquiries and assessment by Hampshire County Council's safeguarding teams about whether a child or vulnerable adult is in need of protection or support
 - an internal employment investigation – under the Managing Performance Policy or Managing Misconduct Policy.
125. Whilst the principles of the Managing Performance Policy will still apply, in order to support a police or safeguarding team's investigations, there may be some variation in terms of:
 - timescales
 - what information is shared
 - when information is shared.

Referrals to the Disclosure and Barring Service

126. Where an employee is dismissed in relation to a safeguarding concern, there may be a duty to make a referral to the Disclosure and Barring Service.
127. Where you believe the referral duty may be met, further guidance is available on the Disclosure and Barring Service website.
128. You are responsible for initiating and completing a referral in conjunction with the Local Authority Designated Officer (LADO)/ Adult Services safeguarding team where appropriate.

Suspension or alternative arrangements

129. Suspension or alternative arrangements are intended as neutral and precautionary acts. They may be considered at any point during the Managing Performance Policy once the category of gross incompetence has been established by an investigation.
130. See **Appendix xx**

Mutual agreement

131. The contract of employment may be ended by mutual agreement between the employee and Hampshire County Council. A mutual agreement is an alternative approach for the employee rather than attending a formal stage meeting.
132. Hampshire County Council will not enter into a Mutual Agreement where performance concerns relate to safeguarding.
133. A mutual agreement is most likely to be reached where an employee's performance means that they are unlikely to meet the requirements of their role within a reasonable timescale. The employee must request a mutual agreement if this is their preferred way forward. The manager must only agree to it after approval from an appropriate senior manager has been given - as defined in the governance matrix.
134. A mutual agreement is neither a dismissal nor a resignation. It is a letter setting out an agreed end date of employment, and other related arrangements. It is signed by both parties.
135. There is no right to appeal a mutual agreement as it is entered into with the consent of both parties. You should encourage the employee to ask for advice from their trade union representative before requesting the manager to consider a mutual agreement.
136. Managers should complete the 'Mutual Agreement – Manager Assessment form' on the HR Managing Performance webpage before contacting HR Operations.
137. A copy of the signed letter will be placed on the employee's personnel file.

Section 6 - Support

Employees:

138. Queries should be directed to your line manager.
139. Access to free, confidential, and impartial Employee Support is available to all employees. Please visit the webpages for further information <https://extra.hants.gov.uk/employee/policy-guidance/occupational-health/employee-support>
140. Your trade union or professional association may be able to provide you with additional support.
141. For resources and general information on how to support your health and wellbeing go to <https://extra.hants.gov.uk/employee/policy-guidance/wellbeing-support>

Managers:

142. **The Learning Zone** has resources, courses, and tools you can use to support your development and the team you manage, go to: <https://extra.hants.gov.uk/employee>
143. Additional tools and templates, including frequently asked questions can be found on the Managing Performance webpage. Managers are responsible for managing cases up to and including Formal Stage One using these tools.
144. Where you have a concern about an employee's health and the possible impact on work, you should consider accessing the Occupational Health webpages for guidance <https://extra.hants.gov.uk/employee/policy-guidance/occupational-health>
145. You also have access to the same wellbeing and employee support resources as listed above and may also seek support from your own line manager as needed.
146. You are expected to be able to manage an unsatisfactory performance case up to and including Formal Stage One without direct HR support. If you are managing an issue under Formal Stage Two or a formal meeting for an employee with less than 2 years' continuous service, you must contact HR Operations for advice before taking action: <https://hants.sharepoint.com/sites/HROD8464/SitePages/HR-Operations.aspx>.

Section 7 - Toolkit

147. The following tools are available:
 - FAQs
 - Manager's checklist
 - Record of Management discussion template
 - Action plan template
 - Letter templates
 - Scripts for stage 1 meeting and stage 1 appeal meeting
 - Mutual Agreement – Manager Assessment form
 - Learning Zone e-learning

Section 8 - Related documents

148. To help with the application of this document it may be useful to read the following:
 - Managing Sickness Absence Policy
 - Reasonable Adjustments Policy
 - Salary Policy
 - [Valuing Performance overview | Staff and managers \(hants.gov.uk\)](#)

Section 9 - Roles and responsibilities

All employees

- adopting a pro-active approach to induction, general development and continuing professional development

- identifying support that is helpful to their particular development needs
- maintaining the high standards of performance expected of all employees of the Council
- applying and complying with the performance management process
- applying and complying with the Managing Performance Policy
- maintaining confidentiality
- arranging their own trade union or Hampshire County Council work colleague if desired and advising management of this.

The line manager

- identifying concerns at the earliest opportunity and deciding on appropriate action
- setting clear and achievable standards that the employee can work to within their role
- drafting and issuing of letters, reports, and documentation as necessary
- arranging meetings as necessary
- considering adjustments and deciding whether to implement them where reasonable to do so
- signposting team members to the staff networks and other sources of support
- informing their line manager and the SRO about any performance concerns
- informing HR Operations of all Formal Stage Two meetings or a formal meeting under Appendix 1 (employees with less than 2 years' continuous service)
- seeking advice from HR Operations about gross incompetence concerns
- maintaining regular contact with the employee during the process, particularly during suspension or alternative arrangements
- ensuring continuity in the management of performance in the event of a change of line manager
- suspension of IT accounts and identity badges as appropriate
- completing the e-leaver form and completing the other leaver requirements if a dismissal takes place, the employee resigns during the process or leaves under a mutual agreement
- deleting records from emails or destroying locally held copies of documents once they are saved in the ePF

Senior Responsible Officer (SRO)

- making the decision on whether to progress to a formal meeting or not
- ensuring the manager is at the appropriate level and has the required capability to prepare a report for a formal meeting
- ensuring the manager is freed from their substantive role sufficiently to produce a management report and conclude the matter at pace
- overall accountability for ensuring that the case is concluded within specified deadlines and to required standards and with due regard to the employee's wellbeing and ensures that the Directorate achieves an

appropriate business outcome

The HR Operations caseworker at Formal Stage Two, gross misconduct, and formal meeting for employees with less than 2 years' continuous service

- advising managers on policy and process
- signposting managers to appropriate guidance, template letters and resources
- if the employee is dismissed, complete the Leaver Notification and Termination Payments form as appropriate.
- the HR Adviser to the chair does not perform a decision-making role. Their function is to provide advice on legal issues, and the correct application of policy, guidance and procedural matters.

Occupational Health

- receiving referrals from management and reviewing employees as appropriate
- requesting medical information
- making recommendations in line with the needs of Hampshire County Council.

The trade union representative or Hampshire County Council work colleague

- advising/ supporting their member or colleague
- attending arranged formal stage meetings and/ or appeal meetings. If this is not possible, then arrangements should be made so that formal stage meetings and/ or appeal meetings are covered by an alternative representative and are not delayed
- making representations, advocating and mitigating on behalf of the employee, submitting papers if appropriate, asking questions and addressing a meeting/ meeting on behalf of the employee.
- they may not answer questions on behalf of the employee.

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Appendix 1: Managing unsatisfactory performance for employees with less than two years' continuous service

1. This appendix will be used for addressing unsatisfactory performance if the employee has less than 2 years' continuous service with Hampshire County Council.

Policy stages

2. The possible stages are:
 - Management Discussion
 - Formal Stage Two – may result in dismissal

Management Discussion

2. The principles of the **Management Discussion** will apply.

Formal meeting

3. The principles of the **Formal meeting procedure** will apply.

Possible outcomes

4. The possible outcomes for employees with less than two years' service are:
 - no further action as there is no on-going performance concern
 - provide additional support, training or workplace options such as considering alternative working patterns or changes to the role
 - seek input from Occupational Health
 - consider reasonable adjustments if the employee has a disability
 - a specific Review Date is set that relates to relevant circumstances, examples include completion of agreed training, receipt of medical advice
 - a Formal Warning (and therefore Action Plan and Improvement Period)
 - a Formal Warning will normally last for ('remain live') for a period of 12 months
 - targets for improving performance and maintaining that performance are to be specified by the Chair
 - the dates of Review Meetings are organised [see '**Review Meetings**']
 - dismissal on the grounds of performance capability with contractual notice. If a dismissal takes place, you are responsible for:
 - cancelling the employee's IT account
 - obtaining the employee's identity card
 - completing the other leaver requirements – see Leavers Checklist.

Appeals

5. An employee only has the right of appeal against a dismissal decision. There is no right of appeal against a warning. The principles of the **appeal stage** will apply.

Appendix 2: Formal Meeting Procedure

1. At each formal stage of the policy, the employee must be invited to attend a meeting.
2. Employees are actively encouraged to contact their trade union representative at the earliest opportunity to obtain advice and support at any time.

Right to be accompanied [See Right to be accompanied]

Meeting arrangements

3. The employee must receive a written invitation to the meeting. This is issued by the manager who is responsible for setting up the formal meeting. A template letter is available on the Managing Performance web pages.
4. The letter must give the employee a minimum of 5 business days' notice of the meeting. The timescales for the meeting can be brought forward by mutual agreement.
5. The Chair should ensure that:
 - if you are preparing for a Formal Stage Two meeting or a formal meeting for employees with less than two years' continuous service, HR Operations are contacted if you have not already done so
 - a formal meeting can take place via MS Teams or in person. If in person, a suitable venue is sourced
 - consideration is given to access to refreshments (water) however all parties should be advised to bring their own refreshments
 - adequate break out rooms for break times are reserved for relevant parties
 - reasonable adjustments are considered if applicable
 - appropriate arrangements are made to enable a management record of the meeting to be made

Management Record of the Meeting

6. A formal record must be taken during the meeting. It is your responsibility to make the appropriate arrangements. Where the meeting is held via MS Teams, Teams must not be used to record the meeting.
7. You must provide copies of the notes if the employee requests them.
8. The notes and documents shared within the formal meeting are confidential to those present in that meeting.
9. In some cases, it may be necessary as is reasonable in the circumstances, to circulate documents to other Hampshire County Council employees in connection with the matter. Any information communicated to other Hampshire County Council employees in connection with the matter must be treated as confidential.

Alternative Date

10. When you organise the formal meeting, you should schedule an alternative date for within 5 business days of the first. Consideration of the employee's working pattern should be taken into account and an employee should not be invited to attend a formal meeting on a non-working day, unless mutually agreed with all parties. The County Council expects that the employee and their representative will make all reasonable efforts to attend the first scheduled date. Where this is not possible, the alternative date will be used.

Sharing of Information

11. You and the employee are required to exchange all relevant papers and supporting evidence in advance of the meeting including any management report.
12. Management documents ('the bundle') will be supplied with the invitation letter. This will include any appeal information from the previous formal stage if relevant.
13. It is the responsibility of the employee to forward those documents to their union representative or work colleague.
14. The employee or their representative should submit all relevant papers and supporting evidence to arrive with the Chair at least 2 business days before a meeting.
15. In exceptional circumstances, additional information may need to be submitted to the Chair/ panel outside of the above timescales. If this happens, the information should be shared with all parties as soon as possible.
16. If additional documents are submitted on the day of the meeting, the Chair of the meeting must determine if they may be included, and if so, time must be given to allow all parties to read the documentation.

Communication

17. All documents will normally be sent electronically. In exceptional circumstances, information may be sent in paper form. Exceptional circumstances could relate to a reasonable adjustment or where the individual does not have access to appropriate technology to receive an email.

Relationships and impartiality

18. If you are asked to be involved in a panel you should act impartially and make decisions based only on the information presented in the meeting. If you have concerns and cannot act impartially, for example due to previous knowledge, it may not be appropriate for you to sit on that panel. You must contact the panel Chair at the earliest opportunity as alternative arrangements for the meeting should be made as soon as possible to prevent any delay causing additional anxiety to the employee.

Other meeting conditions

19. The HR Adviser to the Chair does not perform a decision-making role. Their function is to provide advice on legal issues, correct application of the policy and How to Guide and procedural matters.

Witnesses

20. Witnesses are not normally required to be involved or attend a meeting in performance cases.
21. Both sides can request witnesses to attend the meeting. It is the responsibility of either party to arrange their own witnesses.
22. The Chair of the meeting must be notified in advance of the meeting of the witnesses who will be called.
23. Witnesses should only be called if they can provide significant relevant information.
24. Witnesses must be given due notice to attend the meeting by the person who wishes to call them.
25. If a witness is unable or refuses to attend the meeting, then the Chair can use the witness's statement that is contained within the management report.
26. A witness may find it difficult or distressing to attend a meeting. You can provide information about support that is available to the witness during the process. If the trade union representative requests a witness it is their responsibility to provide the witness with support.

Attending a Formal Meeting

27. Every effort should be made to make it possible for the employee to attend if they wish to do so. If the employee is not well enough to attend the meeting, it may be deferred until they are able to attend. However, a meeting will not be deferred indefinitely because the employee is unable to attend.
28. If the employee is unable to attend, their trade union representative may attend the meeting. The trade union representative would represent the employee. Alternatively, the employee may wish to submit a written statement.
29. If the employee does not attend, the Chair will need to decide whether to defer the meeting or to continue in the employee's absence based on the relevant papers exchanged [see [Sharing of Information](#)]

How to Manage a Formal Meeting

30. During the formal meeting, the Chair must:
 - outline the purpose of the meeting, introduce attendees, and confirm housekeeping arrangements (for example toilets, fire alarm)
 - explain the possible outcomes of the meeting – these will have been set out in the letter inviting the employee to the meeting
 - agree or disagree to any new evidence presented on the day of the

meeting by either party

- ensure that the employee is given an explanation about why their performance is causing a concern and discuss the measures put in place during any previous stage(s) of the policy, referring to any documents or examples - or ask the manager to do so
- provide the employee with an opportunity to respond, referring to any documents or examples, or the representative can do this on their behalf
- call any witnesses who can be questioned by all parties
- invite all parties to ask questions at the appropriate point
- invite both parties to summarise their case. The manager will summarise first followed by the employee (new evidence must not be introduced at this point)
- adjourn the meeting, if necessary, to consider the evidence and decide on the outcome
- the Chair of the formal meeting must fully consider all evidence presented and decide on an outcome - the possible outcomes are detailed in 'Formal Stages'
- reconvene the meeting in the case of an adjournment
- notify the employee of the outcome and the reason(s) for the decision, or say why it has not been possible to confirm the outcome and indicate when the decision will be made
- keep a written record during the meeting to refer to when reaching a decision and to help with producing the outcome letter.

31. The Chair of the meeting must also explain to the employee that:

- a copy of the letter detailing the outcome will be placed on their personnel file (ePF)
- they have the right of appeal against a formal warning or dismissal.

Confirming the Outcome of the formal meeting

32. The Chair will normally advise the employee verbally of the outcome at the meeting, unless agreed otherwise with the employee.

33. The Chair of the meeting must send a letter to the employee to confirm the outcome. A template letter is available to ensure all the necessary information is included.

34. The letter is sent within 5 business days of the meeting. A copy must be placed on the employee's personnel file.

Appendix 3: Appeals

1. The employee must submit their appeal in writing within 10 business days of being informed of the outcome of the formal meeting. This must include the full reasons for the appeal.
2. The employee must send their appeal to the chair of the original meeting.
3. The manager must write to the employee to invite them to an appeal meeting.
4. The appeal is not a repeat of the original meeting. It seeks to address the specific issues raised by the employee in their appeal letter.
5. The grounds for appeal are (this is not an exhaustive list):
 - outcome was unreasonable
 - emergence of new evidence which could have a material effect on the outcome
 - terms of a warning are unreasonable (duration or conditions imposed with the warning)
 - unfair/ incorrect application/ breach of the policy which could have had a material effect on the outcome.
6. A complete re-meeting is only permitted in exceptional circumstances where the Chair determines that the submitted grounds of appeal identify:
 - there was a defect in the procedure
 - new evidence has come to light since the meeting which may have an impact on the decision
 - there is a dispute about evidence given by one or more witnesses at the original meeting - in these cases, it may be necessary to rehear the witness's evidence at the appeal.
7. The principles of **right to be accompanied** will apply
8. The principles of **Formal Meeting Procedure** will apply
9. The principles of **management record** of the meeting will apply.
10. The principles of an **alternative date** will apply.
11. The principles of **sharing information** will apply
12. The principles of **communication** will apply
13. The principles of **relationships and impartiality** will apply
14. The principles of **witnesses** above will apply
15. The Chair must hold an appeal meeting with the employee.

Who attends an Appeal Meeting

16. Appeal against Formal Warning:
 - Senior manager (chair) – refer to Directorate Scheme of Authorisation
 - Manager to form panel
 - Employee

- [Optional] Employee's work colleague or trade union representative
 - [Recommended] note taker
 - [Optional] witnesses (which may include the line manager or Chair of the previous meeting)
 - [Optional] an observer for training purposes with the consent of all parties.
17. Appeal against dismissal:
- Senior manager (chair) – refer to Directorate Scheme of Authorisation
 - Senior manager to form panel
 - HR Adviser to support the panel
 - Employee
 - [Optional] Employee's work colleague or trade union representative
 - [Optional] other relevant parties
 - [Recommended] note taker.
 - [Optional] witnesses (which may include the line manager or Chair of the previous meeting)
 - [Optional] an observer for training purposes with the consent of all parties.

How to manage an appeal meeting

18. During the appeal meeting, the chair must follow the principles of **Formal Meeting Procedure**, except for an appeal meeting the order changes and the employee or their representative present the reason for their appeal first along with any documents and evidence; then the appropriate manager to respond to the appeal and present the grounds upon which previous decisions have been made, referring to any documents or examples and call any witnesses (for example the chair of the previous meeting).

Outcome of the appeal meeting

19. The chair of the appeal meeting must fully consider all evidence presented and decide on an outcome. The possible outcomes are:
- the appeal is not upheld, and the previous decision remains. The chair must be able to justify that there is insufficient evidence to overturn the decision of the original formal stage meeting
 - the appeal is upheld. This is likely to occur when:
 - new evidence has been presented and considered sufficient to change the decision
 - a review of the process has uncovered flaws in how the Managing Performance Policy was applied
 - there are flaws in how the formal stage meeting was conducted
 - mitigating circumstances have been uncovered which were not previously taken into account
 - to impose a different sanction in place of the original decision
 - to reinstate the employee.
20. The appeal outcome cannot impose a higher sanction than issued at the previous stage, although a lower sanction can be applied.

21. Where an employee is reinstated, their service remains continuous and any loss of pay between dismissal and reinstatement will be paid. HR Operations are responsible for contacting the IBC to make the arrangements to ensure the employee receives their pay. You must also make the necessary arrangements for the employee to have their IT account reinstated.
22. There is no further internal right of appeal.
23. The principles of **confirming the outcome** will apply.

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Appendix 4: Unsatisfactory performance

Examples

The following list provides some examples of when it may be appropriate for you to start the managing performance process. This list is not exhaustive and other situations can be managed under the Managing Performance Policy.

The employee has been unable to demonstrate:

- that they have applied training effectively to the workplace or to their role
- that they have not learned from or have repeated and/or persistently repeated previous mistakes, errors or breaches. This includes for example, failure to spot 'phishing emails' or repetition of errors, such as data breaches
- using workplace systems (electronic and paper) effectively
- compliance with Corporate, professional or Directorate policies or procedures
- using equipment in the correct way
- producing an acceptable standard of work
- that they can perform in their role due to insufficient attendance at work (due to sickness or other absence)
- understanding job duties, priorities or goals
- understanding the aims and objectives of the Directorate in which the employee works
- following reasonable instructions
- managing tasks effectively or flagging issues to you as their line manager
- meeting reasonable targets or deadlines
- having professional working relationships with colleagues
- appropriately representing the Council in the execution of the role
- contributing to team and Directorate objectives
- adapting to alternative ways of working.
- understanding and responding to customer needs and required service outcomes
- behaving professionally
- addressing or escalating risks or issues appropriately

Appendix 5: Gross incompetence

Gross incompetence - occurs where an investigation identifies that an employee has failed, either by a single error or series of errors, to perform the duties of their role to such an extent that this causes or has caused serious harm or puts others (colleagues, general public or service users) or the Council's reputation and performance at serious risk.

Gross incompetence only applies in exceptional circumstances. You must seek advice from HR Operations in such cases.

Examples

The following list provides some examples of when a performance concern may need to be managed under the gross incompetence section of the Managing Performance Policy. This list is not exhaustive and other situations can be managed under the Managing Performance Policy.

The employee has:

- been using equipment in a dangerous or unsafe manner
- a complete lack of knowledge and professional expertise
- a complete lack of understanding of the health and safety aspects relevant to the role
- a complete lack of knowledge of professional or Directorate policies or procedures
- been unable to perform in the majority of their role, therefore making the improvement required too great
- failed to obtain a qualification or registration that is an essential criterion of their role
- misadvised in a professional capacity which may have a direct implication on the Council's reputation.

Appendix 6: Suspension or alternative arrangements

1. Suspension or alternative arrangements are intended as neutral and precautionary acts. They may be considered at any point during the Managing Performance Policy once the category of gross incompetence has been established by an investigation.
2. If the potential gross incompetence establishes that the employee entering the workplace places themselves, or the organisation, at risk, alternative arrangements must be put in place to reduce or remove that risk. This must be a considered response to the specific issues/ risks in the investigation.
3. If the potential gross incompetence establishes that the employee accessing the Council's IT systems and other resources places the organisation at risk, alternative arrangements must be put in place to reduce or remove that risk. This must be a considered response to the specific issues/ risks in the investigation.
4. Issues/ risks may be identified at the start of an investigation, or new evidence may mean that alternative arrangements become appropriate part way through the case.
5. The risks may arise from:
 - the seriousness of the potential issues, in that they could amount to gross incompetence
 - interference with the investigation which may impact on the fairness of the investigation
 - a health and safety risk to the employee or others in the workplace.
6. The alternative arrangements that could be made include:
 - temporary placement into another role
 - amended duties in the employee's current role
 - temporary placement in an alternative location
 - another action identified which would reduce or remove the risk
 - suspension.
7. Alternative arrangements to suspension are only appropriate where the new duties or role are not linked in any way to the alleged gross incompetence.
8. You must gain authorization from your senior manager before you put in any alternative arrangements or suspension. You should inform your caseworker of your decision.
9. Suspension – this requires the employee to stay away from the workplace while on normal contractual pay. Suspension is intended as a neutral act and does not imply guilt or innocence. There is no right of appeal. Suspension must be a last resort after other alternatives have been considered.

Documenting and reviewing alternative arrangements/ suspension

10. The reason for any alternative arrangements or suspension must be documented. In the case of suspension, the reason why other alternatives were not appropriate must be documented.
11. Arrangements must be regularly reviewed by your senior manager, with a fresh consideration at each review.
12. If the arrangements are to continue, or change, the reason for this must be documented and communicated to the employee.

Communicating alternative arrangements/ suspension

13. Once confirmation that suspension or alternative arrangements are approved, the appropriate manager must meet face to face (where possible) with the employee immediately to inform them of the decision.
14. The employee has no statutory right to be accompanied. However, this will normally be accommodated where it does not cause any unnecessary delay. This meeting should be handled sensitively and acknowledge this is likely to be a difficult time for the employee.
15. The alternative arrangements/ suspension must be confirmed to the employee in writing. The letter must be sent within 5 business days of the meeting.
16. There is no right of appeal against the decision to suspend or place on alternative arrangements.

Support during suspension

17. The terms of the suspension often involve the employee being instructed not to contact colleagues during the suspension. The purpose is that the employee must refrain from discussing the investigation with colleagues.
18. It is important to identify one or more people they are able to communicate with, in order to ensure that contact can be maintained. Ideally this should be agreed with the employee and their representative.
19. The contact person should usually be a member of staff from the Directorate. It is essential that the contact shall:
 - have no part whatsoever in any subsequent investigation
 - not have any other connection with, or vested interest in, the outcome of the case
20. The nomination of a contact will need to be dealt with sensitively. It is not intended to replace the role of the employee's representative or line manager. The purpose is to reinforce the support/ contact available for the employee concerned.

For cases of suspension only - during suspension the employee must:

- remain away from the workplace for a period of time with the purpose of enabling the investigation to take place and protecting both the Council and the employee
- continue to receive normal pay and all allowances applicable to their role unless they become sick in which case their pay will be in accordance with the sick pay scheme
- fulfil the requirements of their suspension. If the employee fails to maintain contact, their whereabouts are unknown, or they breach the terms and conditions of the suspension their pay and any allowances may be suspended
- be available for meetings
- be provided with the details of the contact that will be assigned to them during the suspension or alternative arrangements
- follow normal reporting procedures such as sickness absence and annual leave. Sickness absence and annual leave must be requested and recorded.

Whilst the employee is suspended you must make arrangements to suspend their IT account and security pass.

Appendix 7: Key definitions (shown in alphabetical order)

Equality Act 2010 - a person has a disability for the purposes of the Equality Act 2010 if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

Hampshire County Council continuous service – the earliest date when an employee began continuous service (no breaks) with Hampshire County Council.

Improvement Period – The Improvement Period is a time when an employee must improve and maintain their performance. This period is defined by the Line Manager or as an outcome of a formal meeting. When a formal warning is issued, under Formal Stage One, the Improvement Period lasts for the warning's duration. However, this does not mean that the employee has the duration of the warning period to improve their performance. They will be set a target to improve their performance within a defined period, and then they will need to maintain performance at the required level for the remainder of the formal warning.

Review Date - a specific Review Date may be set without an Improvement Period being in place if it is determined that more information is required to make an informed decision. The Review Date is to be set for when this information is expected to be available so a decision can be made on appropriate next steps. Notes of these meetings must be taken and saved on the employee's electronic personnel file by the manager.

Review meetings – these must be put in place at any stage of the policy where there is a concern about the employee's performance. Notes of these meetings must be taken and saved on the employee's electronic personnel file by the manager.

Step progression – refers to annual pay progression through each step of the employee's grade up to the salary grade maximum, as outlined in the Salary Policy. If step progression is withheld, this means the employee does not progress to the next pay step within their grade in April.

Suspension or alternative arrangements - neutral and precautionary acts that may be considered at any point during the Managing Performance Policy once it is established the performance concern may amount to gross incompetence.

Timescales - all references to 'days' in this policy refer to business days, regarded as Monday to Friday, excluding bank holidays or public holidays. Periods of notice that are specified indicate the number of clear days between (and exclusive of) the day the letter is issued and the day of the meeting. This is consistently applied irrespective of an employee's working pattern.