

BRISTOL CITY COUNCIL

HUMAN RESOURCES COMMITTEE

2ND APRIL 2009

Report of: The Head of Human Resources

Title: Revisions to the existing Improving Performance Procedure

Ward: N/A

Officer Presenting Report: Robert Britton, (Designate) Service
Director: Strategic HR/WS
Bryn Williams, HR Adviser

Contact Telephone Number: 0117 92 22655

RECOMMENDATION

That members adopt the revised Improving Performance Procedure, with effect from 1st June 2009.

Summary

The Improving Performance Procedure has been revised for the following reasons:

- i) To bring it into line with the provisions of the new Performance Management Framework and Policy, in particular with regard to actions following PMDS appraisal scores of 1 or 2.
- ii) To supplement the Council's promotion of a higher standard of performance management throughout the Council
- iii) To create a clearer process based on stages, with associated warnings, similar in format to that used in Managing Attendance Policy and the Disciplinary Procedure.
- iv) To revise the section on redeployment in response to operational issues associated with the current version.

The significant issues in the report are:

As above

1. Policy

- 1.1 The recommendations for revisions to the existing Improving Performance Procedure are in response to the introduction of the new Performance Management Framework and Policy (for employees), to ensure consistency between the two documents.

2. Consultation

2.1 Internal

Workforce Development and Management Group
Strategic Leadership Team

Trade Unions - All unions have expressed concerns around the proposed removal of the right to be accompanied during informal meetings relating to performance and the proposed revisions to the redeployment element of the procedure.

An option that emerged from consultation to make clear that Section 4 is an informal part of the process was to not refer to this section as a 'stage', but rather to incorporate it into the procedure as a section that is simply a precursor to any of the formal sections, that would themselves still be referred to as 'stages'. The idea being to reinforce the notion that there is a degree of separation between day to day management of performance issues and any formal processes that may be necessary further down the line.

2.2 External

Not applicable

3. Background and Assessment

- 3.1 The Performance Management Framework and Policy (approved by HR Committee on the 8th January 2009) contains changes to the PMDS appraisal rating process.
- 3.2 By necessity, the Improving Performance Procedure must be revised to ensure consistency with these new PMDS provisions.
- 3.3 The three main phases of the improving performance process - informal/day to day management, first formal meeting and second formal meeting - are now described as Informal Stage 1, Formal Stage 2 and Formal Stage 3. This is to provide clarity of process and is in keeping with the terminology of other policies such as Managing Attendance and the Grievance Procedure.
- 3.4 The application of this procedure will be an integral part of the new People Management competency Training for managers and

supervisors.

4. Proposed Changes

4.1 Informal Stage 1 revisions -

- Para 4.3 - The entitlement to be accompanied by a trade union representative or work colleague has not been included in the new Stage 1 because this is an informal process that is part of normal everyday line management. The intention here is to encourage managers to deal with issues of poor performance as they arise, without the necessity to go automatically into formal action which is counter productive for the Council and the employee.
- Para 4.4 - This section has been simplified and made less prescriptive to reflect the fact that it is an informal process and a feature of day to day people management.
- The need to record discussions and place a copy on the employee's HR personal file is required in case formal action is required at a later stage. Frequently the Trade Unions have complained in the past that the first time the employee knew there was a problem was when formal action was taken.
- Para 4.8 - If performance does not improve under this stage clarification is given that managers must seek advice and support from HR.

4.2 Formal Stage 2 revisions -

- The former 'first improving performance meeting' stage of the process, and subsequently 'formal stage 1' in the previous draft policy, now becomes Formal Stage 2.
- Para 5.2 - Statement added, in accordance with the new Performance Management Policy, stipulating that a Stage 2 meeting must be convened if a manager gives an *overall* PMDS score of 2 to an employee . Clarification is also given that performance should be managed effectively day to day and result in the majority of poor performance meetings arising outside of the PMDS process, rather than as a direct consequence of the annual PMDS appraisal.
- Para 5.6 - The Stage 2 formal improvement plan will remain on file for 12 months. A first level warning will also be issued and remain live for 12 months. Clarification is given of what the conditions and implications of a warning are (as set out in the procedure attached).
- Para 5.8 - Makes clear the employee's right to appeal decisions made at this stage.

4.3 Formal Stage 3 revisions -

- The former 'Second Improving Performance Meeting', and subsequently Formal Stage 2, has now become Formal Stage 3.
- Para 6 - Clarification is given on the circumstances under which a Stage 3 meeting will arise. In particular, and accordance with the

Performance Management Framework, that a Stage 3 meeting must be convened if a manager gives an *overall* PMDS score of 1 to an employee . And, that very serious, previously unidentified poor performance, could lead to a Stage 3 meeting being held without the Informal Stage 1 and Formal Stage 2 having been undertaken.

- Para 6.4 - Makes clear the employee's right to appeal decisions made at this stage.
- Para 9 details the appeals process, which is consistent with the appeals process for the Disciplinary and Managing Attendance Procedures.

4.4 Redeployment / Transfer to Alternative Post

- 'Considering Redeployment' - now called 'Transfer to an Alternative Post' (was section 5, now section 7 in revised procedure) has been revised as follows:
- The current option whereby an employee who is subject to poor performance procedures may opt for redeployment under the New Opportunities Policy is removed. Only the manager may propose specific redeployment or relegation as part of formal action as above. This would be subject to a vacant post being available as a direct offer.
- It is considered to be inappropriate for employees subject to the Improving Performance Procedure to be given consideration for redeployment where priority must be given to employees at risk of redundancy and those being redeployed on medical grounds.
- Employees facing dismissal for poor performance can, at the discretion of the manager, be offered a transfer to a different post as an “alternative to dismissal”. Pay protection does not apply in transfers of this nature. However, if the employee concerned does not accept the alternative post offered, the dismissal stands (as per the above procedure).

5. Other Options Considered

5.1 The changes contained in this report, are drawn up to reflect the changes already approved by this committee when it adopted the Performance Management Framework and Policy at its previous meeting.

5.2 It would be open to this committee to permit TU representation after the informal Stage 1. However this defeats the objective of encouraging early intervention, as an alternative to formal action (see para 4.1 above). A high performing organisation should not move straight to formal action, TU involvement, and appeal processes, where it is not necessary to do so.

6. Risk Assessment

- 6.1 Ineffective performance management impedes service delivery, has a negative impact upon the remaining workforce and does not provide value for money for council tax payers.

7. Equalities Impact Assessment

- 7.1 All managers receive training on the policy and if it is implemented properly there should be a neutral impact. Please see the equalities impact assessment .

Legal and Resource Implications

Legal

Dismissal on the grounds of capability is a fair reason for dismissal. However an employer is under a duty to ensure that the decision to dismiss was reasonable. It is essential that the Improving Performance Procedure is applied in a fair and consistent manner. Employees who are dismissed by reason of capability may raise a claim for unfair dismissal should this policy not be followed correctly.

(Advice from Husinara Islam for Head of Legal Services)

Financial

(a) Revenue

There are no Financial implications arising from this report.

(b) Capital

N/A

(Advice from Stephen Skinner, Head of Finance, CSS and Chief Executive Depts)

Land

N/A

Personnel

As set out in paragraphs 4.1 to 4.4, above.

Appendices:

Appendix A - Revised Improving Performance Policy / Procedure (with revisions highlighted)

Appendix B - Equalities Impact Assessment

Appendix B1 - Percentage of workforce subject to formal improving performance proceedings by Age

Appendix B2 - Percentage of workforce subject to formal improving performance proceedings by Gender

Appendix B3 - Percentage of workforce subject to formal improving performance proceedings by Disability

Appendix B4 - Percentage of workforce subject to formal improving performance proceedings by Ethnicity

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

Performance Management Framework Policy - approved by the HR Committee on 8 January 2009.



Improving Performance Procedure

Author: **Employee Relations**

Version: 3

Date created: **22 November 2007**

HISTORY OF POLICY CHANGES

Date	Page	Details of change
01.11.06	4	Paragraph 6.3 inserted
01.04.07	4	Paragraph 5 re-written
22.11.07	5	Paragraph 6.6 "may" to "will"
<u>19 Mar.09</u>	<u>ALL</u>	<u>Various revisions currently being explored</u>

1. Aim

- 1.1 Performance management is an on-going process, usually delivered through one-to-one/supervision sessions between an employee and their line manager. The council's Performance Management and Development Scheme (PMDS) formalises this through twice-yearly review and planning sessions.
- 1.2 This procedure aims to support under-performing employees in reaching the required standard of performance within a reasonable period. It is not about dismissing under-performing employees at the first opportunity.

2. Scope

- 2.1 This procedure applies to all employees who have completed their probationary period (trial period in the case of redeployees), except centrally-employed teachers and staff in locally managed schools, for whom there are separate procedures.
- 2.2 For directors and heads of service there is a separate contractual arrangement between the PMDS and pay progression.
- 2.3 This procedure is to be used in cases of employee under-performance (that is capability including attitude), not misconduct (for example - dishonesty, lateness, refusal to follow procedures or instructions), where the Disciplinary Procedure should be used. Managers should seek advice from their HR Adviser as to which procedure should be used in each case.
- 2.4 If the primary reason for employee under-performance is sickness absence, then the Managing Attendance Procedure should be used, unless the primary reason is related to alcohol or drugs in which case the Alcohol Misuse/Drugs Misuse Policies should be used.
- 2.5 Throughout this procedure, the term "employee" includes directors, heads of service and managers where they are under-performing.

3. Identifying employee under-performance

- 3.1 Examples of employee under-performance include:
 - Not undertaking the duties and responsibilities of their post to the required standard (as shown in their job description) **and/or**
 - Not achieving the objectives agreed with their manager (as shown in their PMDS agreement and/or one-to-one/supervision notes) **and/or**
 - Not fulfilling the requirements of The Bristol Manager and/or Employee Competence Framework.
- 3.2 When determining whether an employee is under-performing, the manager will take into account any reasonable adjustments required under the Disability Discrimination Act (DDA) and/or any agreed programme of training/support following redeployment. The manager will also take into account any other factors that may be impacting on an employee's performance (for example issues in the workplace, personal circumstances (for example relationship breakdown, caring responsibilities, recent bereavement), seeking advice from their HR Adviser as necessary.

3.3 All actions taken throughout this procedure should be clearly documented, giving the reasons for taking or not taking action.

4. **INFORMAL STAGE 1- Addressing employee under-performance through normal day-to-day management**

- 4.1 Where a manager has evidence of an employee's under-performance, the manager will discuss the issues with the employee as soon as possible as part of their normal day-to-day management role. This will happen as part of normal supervision or 'one-to-one' meetings.
- 4.2 All discussions about an employee's under-performance will take place in a confidential environment and will be conducted in an appropriately supportive manner.
- 4.3 Because this is part of the normal day-to-day management process, discussions will normally involve the employee and their line manager only. ~~However, the employee may if they wish be accompanied by a trade union representative or work colleague.~~
- 4.4 The Informal Process - The manager should clearly explain the aspects of the employee's performance that they feel the employee needs to improve upon. The employee's views on their own performance should be taken into account. The manager and employee should discuss what support or training is necessary in helping the employee to improve. The Performance Management Framework and Policy provides advice on sources of support.

The manager must allow a fair and realistic time period to enable the employee to improve to a satisfactory standard. The length of time will depend on the nature of the under performance and any support in place.

The main points of discussions should be documented (just as they would as part of any supervision and one-to-one meetings), and a copy placed on the employee's HR personal file and a copy provided to the employee after the meeting. Recording and sharing notes of discussions in this way is important to ensure that a manager acts fairly and reasonably to help the employee improve their performance.

- ~~• Explain the ways in which the employee is under-performing~~
- ~~• Seek to explore the reasons for the employee's under-performance~~
- ~~• Take into account the employee's views and advice from HR and the Occupational Health and Counselling Service as appropriate~~
- ~~• Explain how the employee's performance needs to improve and how performance will be monitored/measured and advise of any targets~~
- ~~• Discuss with the employee any training/support measures that will be provided~~
- ~~• Advise the employee of a reasonable and appropriate review period for the employee's performance to improve (which will normally be no less than eight weeks and no more than six months), taking into account the extent and impact of the under-performance and the need to allow sufficient time for any training/support measures to be put in place and take effect~~Performance Management Framework and Policy
- ~~• Arrange regular follow-up/review arrangements with the employee (to take place during and at the end of the review period)~~

- 4.5 If it becomes apparent that the reasons for under-performance relate to the employee's health or a disability, then the manager will seek advice from their HR Adviser, which they will then discuss with the employee. Where appropriate, the HR Adviser will recommend that the employee be referred to the Occupational Health & Counselling

Service (OH&CS). The OH&CS can advise on whether the employee is disabled within the meaning of the DDA and what reasonable adjustments the council should consider making in order to accommodate the particular needs of the employee. Advice is also available from the Equalities and Social Inclusion Team (Chief Executive's department) and external organisations (such as the Department for Work and Pensions' Regional Disability Service/Access to Work Scheme).

- 4.6 The manager will fully consult the employee on the options available to them and will ensure that the employee is fully involved in the process of making reasonable adjustments. Where reasonable adjustments can be agreed between the manager and the employee, there is no automatic requirement for these to be validated by the OH&CS. The manager will also ensure that review periods allow sufficient time for adjustments to be made and take effect.
- 4.7 ~~During the review period the employee's performance will be monitored. If at the end of the review period the employee's performance has improved to the required standard, then the manager will meet to confirm this with the employee and will follow this up in writing within five working days of the meeting.~~
- 4.8 If the employee's performance ~~has~~does not improved to the required standard given reasonable time and support, then the ~~manager~~ must~~will~~ seek advice and support from their HR Adviser with a view to following the ~~procedure~~ outlined in the formal stages (paragraph 56 below) or considering redeployment or transfer (as outlined in ~~paragraph section 57~~ below).

5. Considering redeployment

- 5.1 If it becomes evident in the application of this procedure that the employee's performance is unlikely to improve to the required standard (even taking into account any reasonable adjustments required under the DDA and/or any training/support measures), but they have valuable skills that the council would wish to retain, then the manager has the discretion to discuss with the employee the possibility of redeployment to a vacant job (at the same or a lower grade) within their department. The employee may be accompanied/represented by a trade union representative or work colleague at this stage.
- 5.2 Redeployment will only be considered if the employee agrees to it. The employee may ask to be redeployed but their manager is only required to consider the request and, having considered it, may decide that it is not appropriate to agree to it.
- 5.3 Redeployment via the New Opportunities Procedure (NOP) will only be considered where departmental attempts have been unsuccessful and where agreed by the HR Manager responsible for the NOP.
- 5.4 Redeployment will not be initiated after the end of the extended review period (following the second performance improvement meeting).
- 5.5 Where redeployment is considered, reasonable time (of at least 12 weeks in total) will be allowed for it to be achieved, though (if reached) the dismissal stage will not be delayed and the employee's notice period will not be extended.
- 5.6 Employees who are being considered for redeployment will either remain in post or be placed in a temporary position(s) within their department (where they will remain the responsibility of their manager). This will be determined by the service director (or nominee) and their HR Manager. The improving performance process continues whilst redeployment is sought.
- 5.7 Employees who are considered for redeployment under this procedure are entitled to priority consideration for vacancies, time off to apply for and to attend interviews/assessments and (where required) centrally funded training/development. However, they do not have priority above employees who are at risk of redundancy or who are being redeployed on medical grounds and they are not entitled to contractual pay protection if they are redeployed to a lower graded post.

~~5.8~~ Employees who are redeployed under this procedure should be appointed subject to satisfactory completion of a trial period of at least four weeks. Where the employee needs training, the manager and the employee may agree an extension to the trial period before its start. The manager will set clear objectives that are appropriate to the job and the post holder with the aim of enabling the post holder to meet all of the essential criteria for the post by the end of the trial period. The manager will regularly review the post holder's progress during the trial period to assess whether the post is suitable. The post from which the employee is being redeployed will not be filled permanently until the vacating employee has been confirmed in their new post.

65. FORMAL STAGE 2 - First formal performance improvement meeting

~~65.1~~ If the employee's performance has not improved to the required standard through the informal process described in section 4 above ~~and redeployment has not been considered/achieved within reasonable time, then~~ the manager will write to the employee (giving at least five working days notice) to ask them to attend a Formal Stage 2 performance improvement meeting.

~~5.2~~ Formal Stage 2 will also apply if an employee's performance is assessed overall to need improvement during the PMDS process - i.e. The employee is given an overall PMDS score of 2 by their manager.

~~However, effective day to day management should mean the majority of Formal Stage 2 meetings will arise outside the PMDS process, as soon as unsatisfactory or poor performance is identified and informal measures (outlined in section 4) have failed to bring about sufficient improvement, rather than as a direct consequence of the annual PMDS appraisal process itself.~~

~~65.23~~ The employee may be accompanied/represented by a trade union representative or work colleague at this stage and the HR Adviser may also attend.

~~6.35.4~~ If the employee concerned is a trade union steward or officer, the manager should tell the full-time officer prior to any meeting under the formal procedure.

~~6.45.5~~ If an employee cannot attend a meeting, it will be re-arranged for a mutually agreeable date.

~~6.55.6~~ The meeting will follow the same format as outlined at paragraph 4.4 above, with the exception addition that:-

~~i) the outcome of the meeting will be a formal performance improvement plan, to remain on file for 12 months, which will include "SMART" [Specific; Measurable; Achievable; Realistic; Time-related] objectives; details of any training/support that will be provided, by whom and by when; how performance will be monitored/measured-and-any targets.~~

~~ii) A first level warning will be issued which lasts for 12 months. It means that the employee's performance must improve sufficiently not only during the specified review period but must then be maintained for the duration of the warning. Failure to improve and maintain improvement during this period could lead to Formal Stage 3 of this procedure being invoked.~~

~~6.65.7~~ If the employee is paid at less than the maximum spinal column point of their grade, the manager will (but only having first sought advice from their HR Adviser) withhold further increments until the employee's performance has improved to the required standard.

6.75.8 The manager will provide the employee with a copy of the plan within five working days of the meeting, together with a covering letter which will make clear not only the manager's commitment to helping the employee to improve their performance but also details of the first level warning and the possible consequence of not improving to the required standard (ie, action up to and including dismissal). The letter must also give notice of the employee's right to appeal the decision.

6.85.9 At the end of the review period the manager will review the employee's performance against the contents of the formal performance improvement plan. If the employee's performance has improved to the required standard, the manager will meet and confirm this with the employee. The manager will then confirm this in writing to the employee within five working days of the meeting, informing and remind the employee that the formal performance improvement plan and warning will remain on their personal file for 12 months from the date of ~~this~~ the initial Formal Stage 2 meeting (as per 5.1 above). Where issues raised in the plan could put children at risk, it may be retained on the employee's personal file for longer than 12 months.

6.95.10 If the employee's performance has not improved to the required standard, then the manager will either:

(a) Follow the procedure set out in Formal Stage 3 at (paragraph 76 below)

or

(b) If the employee's under-performance is so serious that the manager considers that there is no reasonable chance of the individual reaching the required standard within a reasonable period, follow the procedure set out at paragraph 8 below.

Reminder: This procedure aims to support under-performing employees in reaching the required standard of performance within a reasonable period. It is not about dismissing under-performing employees at the first opportunity.

76. FORMAL STAGE 3 - Second formal performance improvement meeting

A stage 3 meeting will arise either:

i) as a consequence of an employee failing to improve their performance sufficiently under Stage 2,

or

ii) if an employee's performance is assessed overall to be poor during the PMDS process - i.e. The employee is given an overall PMDS score of 1 by their manager.

or

iii) In exceptional circumstances, as a result of very serious, previously unidentified poor performance that could constitute negligence or a complete loss of trust and confidence in an employee's ability to carry out their duties, without the informal and first formal stages having been considered.

6.1 The manager will write to the employee (giving at least five working days notice) to ask them to attend a second Stage 3 performance improvement meeting.

6.2 The employee may be accompanied/represented by a trade union representative or work colleague at this stage and the HR Adviser may also attend at the request of management.

- 76.3** At the meeting, the manager will:
- Explain where the employee's performance still needs to improve
 - State what (if any) further training/support will be provided to the employee
 - Inform the employee that the review period will be extended once only (normally by no less than four weeks and no more than three months), taking into account the extent and impact of the under-performance, the duration and pattern of the employee's working week and the need to allow sufficient time for any training/support measures to be put in place and take effect
 - Issue the employee with a second level **Stage 3** performance warning, which will remain live on the employee's personal file for 12 months from the date of the meeting
 - Update the formal performance improvement plan accordingly.
- 76.4** The manager will provide the employee with a copy of the updated plan within five working days of the meeting, together with a covering letter which will confirm the performance warning, **give notice of the right to appeal the decision** and remind the employee that the review period can be extended once only and that the possible consequence of not improving to the required standard remains (that is action up to and including dismissal).
- 76.5** At the end of the extended review period the manager will review the employee's performance against the contents of the updated formal performance improvement plan. If the employee's performance has improved to the required standard, then the manager will meet and confirm this with the employee. The manager will then confirm this in writing to the employee within five working days of the meeting, informing the employee that the formal performance improvement plan will remain on their personal file for 12 months from the date of this meeting. Where issues raised in the plan could put children at risk, it may be retained on the employee's personal file for longer than 12 months.
- 76.6** Only where the employee's performance has still not improved to the required standard will the manager follow the procedure set out at paragraph 8 below.

7. Transfer to an Alternative Post

- 7.1** Subject to the existence of a **specific suitable vacant post** the manager may explore the option of the transfer of the employee to the post as an alternative to them progressing through the Improving Performance Procedure. This option will be dependent on the employee possessing skills and experience that are relevant to the post and which the Council would wish to retain. The employee may be accompanied/represented by a trade union representative or work colleague during any formal discussions about a transfer. There is no right to corporate redeployment under this procedure.
- 7.2** A transfer can be considered at any stage of the procedure, with the exception that it may not be initiated after the end of the Stage 3 review period outlined in paragraph 6.3 above.
- 7.3** If the employee declines an option of a transfer the application of the Improving Performance Procedure will continue as normal.
- 7.4** Employees who are considered for a transfer under this procedure must not have priority over employees at risk of redundancy or who are being redeployed on medical grounds, and they are not entitled to contractual pay protection if redeployed.

- 7.5 Any warnings issued prior to a successful transfer will remain 'live' for the appropriate length of time.
- 7.6 Employees who are transferred under this procedure should be appointed subject to satisfactory completion of a trial period of at least four weeks. Where the employee needs training, the manager and the employee may agree an extension to the trial period before its start. The manager will set clear objectives that are appropriate to the job and the post holder with the aim of enabling the post holder to meet all of the essential criteria for the post by the end of the trial period. The manager will regularly review the post holder's progress during the trial period to assess whether the post is suitable. The post from which the employee is being transferred will not be filled permanently until the vacating employee has been confirmed in their new post.
- 7.7 If the employee is not confirmed in the new post they will return their substantive post and the Improving Performance Procedure will be resumed at the stage it was prior to the transfer.

88. Dismissal

8.1 The manager will:

- (a) Write to the employee (giving at least five working days notice) to inform them that:
- Their performance has not improved to the required standard
 - They are therefore at risk of dismissal
 - They are invited to a meeting (where they may be represented by a trade union or work colleague and where the HR Adviser will attend) to discuss the reasons for the dismissal and for management to consider any representations they may have.
- (b) Meet the employee to discuss the proposed dismissal and determine whether it should be confirmed.
- (c) Write to the employee to confirm the outcome of the meeting and if the dismissal is confirmed:
- Issue them with contractual notice of dismissal and set out the reason for the dismissal
 - Inform them of their right to appeal against the dismissal and set out the grounds of appeal.

9 Appeals

- 9.1 Appeals must be lodged within five working days of receipt of written notification of a decision.
- 9.2 A more senior level of manager will hear appeals against formal stage 2 and formal stage 3 warnings. Appeals should be submitted to the relevant HR Manager. There is no right of appeal under the informal stage.

- 9.3 A more senior manager will also hear appeals against dismissal where the employee has less than one year's service. Appeals should be submitted to the relevant HR Manager.
- 9.4 The Employee Appeals Committee will hear all other appeals against dismissal. The appeal should be submitted to the Democratic Support Team.
- 9.5 Appeal outcomes will be confirmed to the employee concerned within five working days of the decision.

10.9. Date of implementation

Equality Impact Assessment (EqIA)
Stage 1: Initial Screening Form for New/Revised HR Policies or Functions

A: Summary Details

Directorate: Resources

Section: Corporate Development (Human Resources)

Person responsible for the assessment: Bryn Williams

Contact details: 0117 9222655

Name of Policy to be assessed: Improving Performance Procedure

Is this a new or revised policy: Revised

Date policy scheduled for Overview and Scrutiny/Cabinet/LAB:

B: Preparation

It is important to consider all available information that could help determine whether the policy could have any potential adverse impact. Please attach examples of available monitoring information, research and consultation reports.

1. Do you have monitoring data available on the number of people (from different target groups) who are using or are potentially impacted upon by your policy? *Please specify what monitoring information you have available (your monitoring information should be compared to the current available census data to see whether a proportionate number of people are taking up your service).*

See Attachments for data at 31/12/08 -

Appendix B1 - Percentage of workforce subject to formal improving performance proceedings by Age

Appendix B2 - Percentage of workforce subject to formal improving performance proceedings by Gender
Appendix B3 - Percentage of workforce subject to formal improving performance proceedings by Disability
Appendix B4 - Percentage of workforce subject to formal improving performance proceedings by Ethnicity

2. If monitoring has NOT been undertaken, will it be done in the future or do you have access to relevant monitoring data for this area? If not, specify the arrangement you intend to make; if not please give a reason for your decision.

3. Please list any consultations that you may have had and/or local/national consultations, research or practical guidance that will assist you in completing this EqlA

C: Your Policy or Function

1. What is the main purpose of the policy or function?

This the procedure within which individual poor performance is managed.

- 2 Are there any other objectives of the policy or function, if so what are they?

It provides guidance to managers on how to work with poor performers to help staff to improve, and how to progress in cases where improvements are not made.

- 3 Do any written procedures exist to enable delivery of this policy or function?

No

- 4 Are there elements of common practice in the service area or function that are not clearly defined within the written procedures?

No.

- 5 Who are the main stakeholders of the policy?

Directly - managers and employees. Indirectly - service users and Bristol residents (Poor performance can impact on service delivery)

6 Is the policy associated with any other Council policy (s)?

The Performance Management Framework and Policy (for individuals) provides an over-arching view of how high standards of performance can be achieved and maintained and how poor performance should be challenged and managed.

Performance Management & Development Scheme (PMDS): If an employee scores a 2 or a 1 in the PMDS process they will be automatically subject to the Improving Performance Procedure. Although if performance is managed correctly by managers day to day, it is likely that employees scoring a 2 or a 1 in their annual PMDS appraisal will already be within the IPP.

7 Are there any areas of the service that are governed by discretionary powers? If so, is there clear guidance as to how to exercise these?

Managers may have discretion at various stages of the procedure following consultation with HR (eg to vary the length of review period).

8 Is the responsibility for the proposed policy or function shared with another department or authority or organisation? If so, what responsibility, and which bodies?

All managers and employees must comply with the Improving Performance Procedure.

D: The Impact

Assess the potential impact that the policy could have on each of the target groups. The potential impact could be negative, positive or neutral. If you have assessed negative potential impact for any of the target groups you will need to also assess whether that negative potential impact is high, medium or low – see glossary in the attached guidance notes for definitions.

1. with his was

a) Identify the potential impact of the policy on men and women:

Gender	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason

Women			Neutral	All managers receive training on the policies and if they are implemented properly there should be a neutral impact.
Men			Neutral	

b) Identify the potential impact of the policy on different race groups:

Race	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
Asian (including Bangladeshi, Pakistani, Indian, Chinese, Vietnamese, Other Asian Background – please or in small specify _____)			neutral	All managers receive training on the policies and if they are implemented properly there should be a neutral impact.
Black (including Caribbean, Somali, Other African, Other black background – please specify _____)			neutral	
White (including English, Scottish, Welsh, Irish, Other white background – please specify _____)			neutral	
Mixed Dual heritage (White and Black Caribbean, White and Black African, White and Asian, Other mixed background - please specify _____)			neutral	
Other (please specify)			neutral	

c) Identify the potential impact of the policy on disabled people:

Disability	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
		Could be any of these according to specifics of the case		Employee fails to inform manager of disability; manager fails to make timely reasonable adjustments

d) Identify the potential impact of the policy on different age groups:

Age Group (specify, for example younger, older etc)	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
		Could be any of these		Employee fails to inform manager of

		according to specifics of the case		emerging impairment or new condition
--	--	------------------------------------	--	--------------------------------------

e) Identify the potential impact of the policy on lesbian, gay men, bisexual or heterosexual people:

Sexual Orientation	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
Lesbian			neutral	All managers receive training on the policies and if they are implemented properly there should be a neutral impact.
Gay Men			neutral	
Bisexual			neutral	
Heterosexual			neutral	

f) Identify the potential impact the policy on different religious/faith groups?

Religious/Faith groups (specify)	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
Buddhist			neutral	All managers receive training on the policies and if they are implemented properly there should be a neutral impact.
Christian			neutral	
Hindu			neutral	
Jewish			neutral	
Muslim			neutral	
Sikh			neutral	
Other (please specify)			neutral	

g) As a result of completing Question 1 a-f above what is the potential impact of your policy?

High Medium Low x

If you have assessed the potential impact as HIGH you must complete a full Equalities Impact Assessment

2. Could you minimise or remove any negative potential impact that is of medium or low significance? Explain How.

Disability and Age: The policy explicitly requires that managers consider disability, reasonable adjustments and other possible factors (such as personal circumstances) when determining cases of under-performance. Managers should encourage employees to declare their disability, or emerging impairments, and be trained in disability awareness.

3. If there is no evidence that the policy promotes equal opportunity– could it be adapted so it does? How?

The policy itself is neutral. If the application of the policy fails to comply with the duties, the impact could be variable.

Please sign and date this form, keep one copy and send one to Equalities Team.

Signed
Lead Officer
Date

Signed
Departmental Equalities Contact
Date

Age Report

31 December 2008

Improving Performance

Age	ACC	CE	CSS	CS	CLS	CYPS	LMS	N&HS	PTSD	Total	Bristol 2001 Census
25 to 49	50.00%	0.00%	100.00%	0.00%	0.00%	25.00%	33.33%	100.00%	75.00%	50.00%	61.61%
	2	0	2	0	0	1	1	1	3	10	115,139
50 to 64	50.00%	0.00%	0.00%	100.00%	0.00%	75.00%	66.67%	0.00%	25.00%	50.00%	19.74%
	2	0	0	2	0	3	2	0	1	10	36,885
BCC Grand Total	100% 4	100% 0	100% 2	100% 2	100% 0	100% 4	100% 3	100% 1	100% 4	100% 20	100% 186,876

Disability Report**Improving Performance Proceedings**

Disability	ACC	CE	CSS	CS	CLS	CYPS	LMS	N&HS	PTSD	Total	Bristol 2001 Census
Yes	25.00% 1	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	5.00% 1	89.06% 166433
No	75.00% 3	0.00% 0	100.00% 2	100.00% 2	0.00% 0	75.00% 3	67.00% 2	100.00% 1	100.00% 4	85.00% 17	93.30% 174347
Disability Not Declared	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	25.00% 1	33.00% 1	0.00% 0	0.00% 0	10.00% 2	0.00% 0
	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
BCC Grand Total	4	0	2	2	0	4	3	1	4	20	186872

31 December 2008

Ethnicity Report

Improving Performance Proceedings

Ethnicity	ACC	CE	CSS	CS	CLS	CYPS	LMS	N&HS	PTSD	Total	Bristol 2001 Census
White British	25.00% 1	0.00% 0	100.00% 2	100.00% 2	0.00% 0	25.00% 1	67.00% 2	100.00% 1	100.00% 4	65.00% 13	89.06% 166433
Total White	25.00% 1	0.00% 0	100.00% 2	100.00% 2	0.00% 0	25.00% 1	67.00% 2	100.00% 1	100.00% 4	65.00% 13	93.30% 174347
Mixed Other	25.00% 1	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	5.00% 1	0.30% 563
Total Mixed	25.00% 1	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	5.00% 1	1.24% 2308
Black Caribbean	25.00% 1	0.00% 0	0.00% 0	0.00% 0	0.00% 0	25.00% 1	0.00% 0	0.00% 0	0.00% 0	10.00% 2	1.42% 2649
Total Black/Black British	25.00% 1	0.00% 0	0.00% 0	0.00% 0	0.00% 0	25.00% 1	0.00% 0	0.00% 0	0.00% 0	10.00% 2	2.17% 4052
Total Minority Ethnic	50.00% 2	0.00% 0	0.00% 0	0.00% 0	0.00% 0	25.00% 1	0.00% 0	0.00% 0	0.00% 0	15.00% 3	6.70% 12525
Ethnicity Not Declared	25.00% 1	0.00% 0	0.00% 0	0.00% 0	0.00% 0	50.00% 2	33.00% 1	0.00% 0	0.00% 0	20.00% 4	0.00% 0
	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
BCC Grand Total	4	0	2	2	0	4	3	1	4	20	186872