

# SUPPORT FOR IMPROVEMENT PROCEDURE

## Procedures

The EKC Group has ambitions to be the best it possibly can and in doing so aims to provide the training, skills development and performance management to ensure the workforce is its greatest asset. Managers and Leaders have a responsibility to develop a culture which is based on inspiring and motivating staff to perform well.

There are three main overarching strategic aims within the HR strategy to support this;

- To attract and recruit the best people
- To develop a staff body that delivers excellence
- To have staffing structure that supports the achievement of the Group's strategic aims

## 1. Introduction

**1.1** To enable us to assist and encourage all employees to achieve and maintain standards of job performance we need to ensure consistent and fair treatment for all and assist any employee who is considered to be experiencing difficulties in performing to the required standard of the post to which she/he was appointed. This procedure is designed to provide managers and employees with an opportunity to improve their performance in the workplace.

**1.2** Concerns about capability should not be confused with disability. Where employees become disabled during their employment it is important to ensure that every effort is made to retain them in their original job, or redeploy them to a suitable alternative post, in line with the requirements of the Equality Act 2010. Recourse to the capability guidelines should only take place when attempts to deal with disability have been exhausted.

**1.3** In cases of gross incompetence, it may be necessary to temporarily suspend an employee immediately from their normal job, e.g. employees against whom serious complaints of lack of capability and/or lack of competence have been made by students or workplace colleagues.

**1.4** Throughout this procedure, the term 'line manager' refers to a member of staff who is directly responsible for managing and supporting another member of staff to succeed e.g. a supervisor, Team Leader, Manager etc. This procedure applies to all employees other than probationers and senior post holders where separate procedures apply.

**1.5** An employee has the right to be represented and accompanied by a representative of a trade union or workplace colleague at any stage of the capability procedure.

**1.6** All staff should have a minimum of a documented, monthly one to one meeting with their line manager in order to provide ongoing support and feedback. The one to one meetings are an opportunity for the line manager to provide both direction and motivational support as well as to address any minor issues which have the potential to escalate into more serious matters. The one to one meetings are recorded by HR and documentation of meetings is likely to be referred to when dealing with capability issues.

**1.7** Please refer to the separate support and development process for teaching, learning and assessment which specifically supports improvements in teaching, learning and assessment following observations.

## **2. Informal procedure (Step 1 of the capability procedure)**

It is important to recognise that many issues of capability can be, and should be, resolved without recourse to the formal capability procedure

**2.2** As part of the support and development process, as soon as a concern is identified by either the line manager or the employee, the issue should be discussed between the employee and his/her line manager and a timescale for improvement agreed. In these circumstances, both parties will have every opportunity to discuss the concern, to make any comments and to record them if desired. Most areas for concern can generally be dealt with through informal discussions and coaching/mentoring.

**2.3** After any informal meetings an agreed action plan should be set up to include:

- agreed actions and objectives to meet the requirements and standards of the job
- further training specifically directed to the training needs identified to facilitate an improvement
- realistic review dates to monitor improvements and progress
- any additional supervision or support

**2.4** The action plan should be given in writing to the employee and should contain a summary of the improvement(s) required, the target(s) and the timescale(s) over which these are expected. Both parties should then sign the agreed actions.

**2.5** Notification should be sent to Human Resources that action has been taken and to enable a central record to be kept.

**2.6** Continued monitoring and assessment should take place for a period of time, depending on the requirements to improve performance. It is anticipated that in the vast majority of cases, no further action, other than normal follow-up, will be necessary.

**2.7** Consideration should be given to the frequency of one to one's during this time as it may be suitable to hold them more often, provided expectations to achieve during this shorter timescale are reasonable.

### **3. First Formal Interview (Step 2 of the capability procedure)**

**3.1** Where the levels of improvement agreed in 2.4 above are not met, then the manager should arrange a formal meeting to take place to discuss performance. This meeting constitutes the start of the formal procedure. The employee has the right to be accompanied at the meeting by a trade union representative or workplace colleague; a representative from Human Resources will also attend.

**3.2** At this meeting, the employee should be reminded of the previous discussion and told of the continuing shortcomings. The employee should be given an opportunity to give their interpretation before deciding what action should be taken. This needs to be confirmed in writing with clear objectives specified. Consideration will be given to any circumstances outside the individual's control that have caused, or at least contributed to, the reduced effectiveness of their performance over the period monitored.

**3.3** After the formal interview and consideration of all the information, a written warning should be issued if appropriate, that makes it clear that the employment is at risk if improvement is not achieved.

**3.4** Monitoring and assessment needs to continue for a further period, depending on the individual situation and in proportion to the level of seriousness of the performance difficulty.

### **4. Appeals (Step 4 of the capability procedure)**

In all formal cases the employee has the right of appeal; i.e., to request for a review of the action taken. It is the responsibility of the Chair of the formal capability hearing to make the member of staff aware of their right of appeal. This should be done in writing at the time the action is taken.

Any appeal against formal action under this procedure must be made in writing, to the Head of HR, within 10 College working days of the said action (dictated by the postal mark) and must state the reasons for nonacceptance.

The appeal will be heard by a senior manager who has not been involved in the disciplinary process in question so far, wherever possible. HR will attend in an advisory capacity.

Appeals against dismissal will be heard by two members of Executive. In the event of the two members of Executive not being able to reside on the appeal Panel then Governors will join the Panel (not to include Staff or Student Governors).

The remit for the manager(s) hearing the appeal is:

- (i) to consider the reasons for non-acceptance put forward by the employee lodging the appeal
- (ii) to consider whether the manager who issued the warning has followed the procedure correctly

(iii) to judge whether the earlier action taken is appropriate

The decision of the manager hearing the appeal is final. Appeals should be, wherever possible, heard within 14 days of receiving a written request.

## **5. Appeal Hearings**

At the appeal both parties may bring witnesses or a statement from a witness, to support their case. Both are respectively responsible for the attendance of their witnesses. The employee has the right to be accompanied by a union official or workplace colleague but not a legal representative.

A representative from Human Resources will also be present at the hearing.

The purpose of the hearing will be explained at the onset, how it will be conducted and what powers the manager hearing the appeal has. The employee must then state why they are appealing against the action taken.

Once all the relevant issues have been thoroughly explored, there will be an adjournment to consider the facts and to reach a decision. The employee will then be informed of the results of the appeal and the reasons for the decision. Confirmation of the decision will be given in writing within 5 working days of the appeal hearing, it will advise that this decision is final.