



Civil Service HR

Managing Poor Performance Policy

April 2023

Scope

This policy applies to all Senior Civil Servant (SCS) employees who are performing poorly. It should be used when routine performance management activities and support have failed to result in performance at the required standard.

Policy Principles

Managing poor performance fairly, effectively and promptly is critical to maintaining a professional Civil Service. Failure to address poor performance results in inefficiency, and lowers engagement throughout the rest of the workforce. Managers will address poor performance with the aim of improving performance, and where performance does not reach the required standard, this policy should be applied.

This policy is based on fair and transparent treatment of all Civil Service employees, and complies with: employment legislation; Advisory, Conciliation and Arbitration Service (ACAS) best practice; Equality Act 2010; and the Civil Service Management Code.

Policy Summary

Poor performance is when an employee's performance falls below the standard required to carry out their role effectively. These standards may vary depending on the job role but they will be specified in a combination of: agreed work objectives; CS Behaviours; and job descriptions.

Key areas covered by this policy include:

- Stage 1 – First Written Warning;
- Stage 2 – Final Written Warning; and
- Stage 3 – Dismissal Decision.

After each written warning there is a review period in which employees are supported to improve their performance. There is also the facility to appeal the final decision. Managers and employees are advised to keep a written record of discussions. In instances that result in dismissal it is expected that, where line managers have properly managed performance, the procedure should take no longer than 6 months.

Policy Procedures

1. Introduction

1. This section outlines the procedure to manage poor performance. The procedure must be followed to ensure the statutory code of practice, as laid out by Advisory, Conciliation and Arbitration Service (ACAS), has been adhered to.
2. A summary of the procedure can be found in the flow chart 'Process Overview'. Managers may also find the 'Advice and Tools' section helpful. This contains tips and templates for use throughout the process, but it is not a mandatory part of the policy.

Preliminary Action

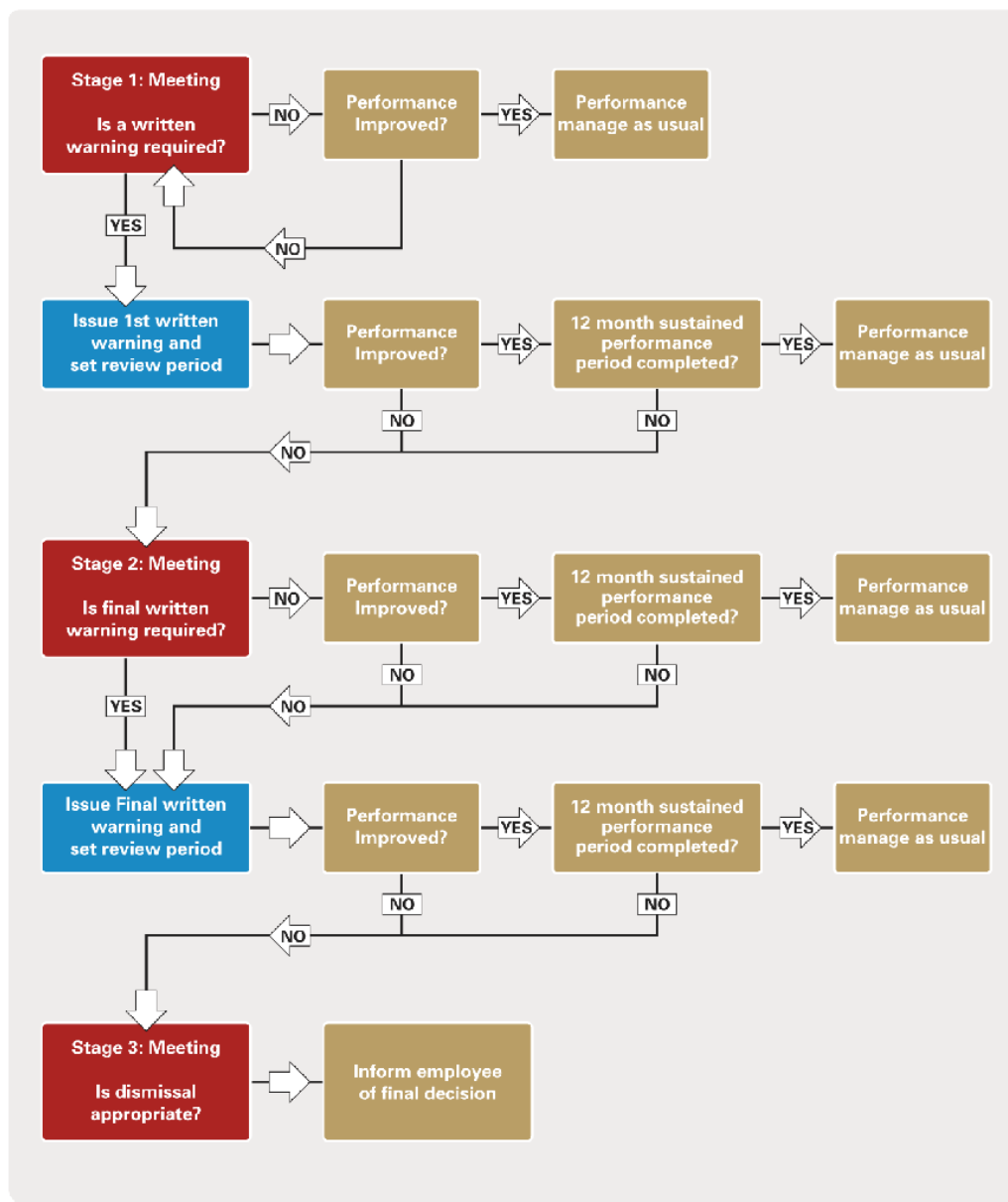
3. In deciding whether or not to use this policy it is crucial for managers to check that employees are aware of the level of performance required of them. It is expected that managers provide help, support and encouragement to assist employees to reach and maintain the required standard of performance. Initial deterioration in an employee's performance should be identified and addressed promptly as part of day-to-day management conversations.
4. If performance remains below the required standards, managers must move to the formal procedure outlined in this section.
5. The use of this policy may also be triggered by the Performance Management Policy, which sets out that if a member of the SCS is marked as 'Partially Met' for two consecutive quarters, their line manager should draw up a performance development plan, provide the individual with the necessary support to improve their performance and schedule a review meeting to evaluate improvement. If the SCS continues to be marked as 'Partially Met' after this, including as part of their end of year discussion, there will be an expectation that they are placed on formal poor performance measures as part of the SCS poor performance policy.

Roles and Responsibilities

6. Decisions in each meeting should be taken by someone at least one grade higher than the individual who is performing poorly. This will normally be the individual's line manager.
7. Where possible, appeals should be heard by someone who is both independent of the decision being appealed, and at least one grade higher than the person who made the decision. Managers may need to consult with the Human Resources team to appoint an appropriate Appeal Manager.

8. Departments should specify separately their arrangements for recording poor performance e.g., through HR, online systems, etc. Cabinet Office will ask Departments to report annually details of the number of cases and the outcome (eg. dismissals) of action taken under this policy.
9. Departments may wish to specify additional points in the process where they would like managers using this policy to contact HR.
10. There are timings provided throughout the procedure and all parties involved are responsible for ensuring these are met wherever possible. There may be circumstances where the timings described in the procedure need to be amended, for example, allowing time for support and adjustments to become available or take effect. Reasons for extending any stage in the process should be clearly documented.
11. Managers must ensure that they comply with GDPR requirements when processing or retaining documents.

Process Overview



2. Meetings

12. These common elements apply to each meeting in this procedure. For further information about stage 3 and appeal meetings, see sections 5 and 6 respectively.
13. Before the meeting managers must:
 - Invite the employee to the meeting in writing to discuss their performance. The letter should contain sufficient information about the alleged poor performance and its possible consequences, including any previous performance discussion notes, to enable the employee to prepare for the meeting.
 - Make any necessary adjustments required under the Equality Act 2010, to enable the employee to do their job.
 - Notify the employee of their statutory right to be accompanied by a trade union representative or work colleague.
 - Decide who will take notes.
 - Give the employee at least 5 working days' notice of the meeting. If the employee, or their colleague/trade union representative cannot attend, the meeting may be postponed once up to a further 5 days.
14. In the meeting managers should:
 - Set out clearly the specific areas that are falling below the required performance standard, and the consequences of not improving performance.
 - Give the employee the opportunity to reply or raise any new issues or factors that may have impacted on their performance, for instance personal issues.
 - Discuss any possible solutions, including what support is available to the employee.
 - Discuss the timescale during which an improvement is expected.
 - Recognise that either party has the right to request a short adjournment to consider any points raised.
15. At the end of the meeting managers should:
 - Decide what action to take. The potential outcomes are that: > In stages 1 and 2: a written warning will be issued.
 - In stage 3: a decision is taken to dismiss the employee, or impose an alternative sanction.

- In any stage: new evidence comes to light and the manager decides that neither of the above is appropriate.
16. After the meeting managers should:
- Write to the employee within 5 working days of the meeting, including:
 - A note of the discussion and performance issues.
 - The decision that has been taken.
 - If a warning is to be issued also include:
 - The improvement required from the employee.
 - The help and support available to the employee.
 - The length of the review period.
 - The date of the next meeting.
17. Consider any employee requests for amendments to the formal record. If the manager agrees, the record should be amended showing clearly what the amendments are. If the manager does not agree, the employee's request should be attached to the written record as part of the case history. The employee must raise any requests for amendment as soon as he/she has received the written record of the discussion. Reasons for any amendments must be clearly recorded.
18. Where no warning or sanction is issued, the manager should set out the reasons for this. In some cases, for example to accommodate a temporary adjustment or learning and development requirement, an additional meeting may be required. If so, the date of that meeting should be included.

3. Stages 1 and 2 – Written Warnings

19. In order to issue a written warning, managers must meet with the employee. The written warning can be given in, or shortly after, the meeting. It should include:
- What the performance issues are and the standard the employee needs to reach. This may be informed by reference to the 'Achieving' performance marking criteria set out in the [SCS Performance Management Policy](#), and through discussion of the individual's own objectives.
 - What assistance will be provided to help them meet the required improvements.
 - That there will be a review period in which they will be expected to improve their performance.
 - The duration of this review period, and the date of the next meeting at the end of the review period.
 - Review periods should not normally be longer than 1 month. In exceptional circumstances the review period may be extended, to take account of reasonable adjustments as a result of a disability and training needs, up to a maximum of 3 months.
 - That if their performance does not improve to the required level, they will move to the next stage in the procedure. The manager must make the employee aware that ultimately this process could lead to sanctions including dismissal or downgrading.
 - That if their performance does improve to the required level, they will enter a 12 month Sustained Performance period.

Sustaining Performance Period

20. Written warnings are followed by a review period in which an employee has the opportunity and support to improve their performance. If the employee is successful, the manager should use the meeting at the end of the review period to advise them that a 12 month Sustained Performance period now applies. This is to ensure that actions taken under this policy do result in lasting performance improvements for the employee concerned and for the business.
21. During this time the manager must hold regular performance discussions with the employee. It is recommended that these meetings are at least held monthly to begin with, becoming less frequent as performance is sustained. Otherwise, normal performance management arrangements apply.

22. If the employee maintains their performance throughout the Sustained Performance period, all action under this procedure ceases and they return to normal performance management procedures, set out in the [SCS Performance Management Policy](#).
23. The manager should address any dips in performance promptly during the Sustained Performance period. If the performance is of a level that justifies re- commencing poor performance procedures, they will move directly to the next stage rather than starting afresh.

5. Stage 3 – Dismissal Decision

24. An employee will move to stage 3 of the procedure if:
 - they fail to improve their performance after a Final Written Warning; or
 - they successfully complete the review period following a Final Written Warning, but during the Sustained Performance period they fail to maintain their performance to the required standard.
25. At this stage the manager will need to meet with the employee and make a final decision as to whether to dismiss the employee. In exceptional circumstances the manager may consider an alternative sanction, including downgrading.
26. Managers should consult with their Human Resources team about the appropriate course of action. If considering downgrading you must be sure that the employee would be successful at the lower grade and that there is a post available.
27. In addition to the points listed in section 2 – 'Meetings', managers chairing stage 3 meetings will need to inform the employee that their case is under consideration of various sanctions, including dismissal and downgrading.
28. The manager should notify the employee of the decision in writing within 5 working days of the meeting. The notification should include:
 - The reasons for the decision.
 - The date on which the decision becomes effective.
 - The appropriate period of notice, if relevant.
 - The employee's right of appeal.
 - The name of the Appeal Manager.

6. Appeals

29. There is one right of appeal following the stage 3 decision. Appeals can be made against procedural errors and/or the decision. Employees may not additionally raise a grievance about the same issue under other departmental procedures.
30. The appeal process should continue in parallel with, and not delay, any ongoing action under this procedure, including the start of any notice period.
31. The Appeal Manager's decision is final.

Employee Actions

32. Employees have 10 working days, from the date of receipt of the decision in which to submit their appeal in writing to the Appeal Manager. The appeal must make clear whether it is against a procedural error and/or a decision. The appeal should clearly state the employee's desired outcome.

Appeal Manager Actions

33. The Appeal Manager will, within 5 working days of receiving the appeal, invite the employee to a meeting. The employee should be given at least 5 working days notice of the meeting. If the employee, or their representative, cannot attend, the meeting may be postponed once up to a further 5 days.
34. In addition to the points raised in section 2 – 'Meetings', the Appeal Manager should:
 - Check they have all the written notes relating to the case.
 - Ensure they understand the grounds of the appeal and are prepared to give full consideration to the points the employee raises.
 - Consider the basis of the original decision and any new evidence that has been raised.
 - Decide whether to uphold or reject the appeal and highlight any recommended actions to be taken.
35. The Appeal Manager should consult with the Human Resources team before notifying the employee of the outcome of the appeal.
36. After the meeting, the Appeal Manager will notify the employee of the decision within 5 working days.

Question and Answers

Q1. How can managers assess performance in the Senior Civil Service?

Information on performance management in the Senior Civil Service is set out in the Cabinet Office policy, 'Senior Civil Service Performance Management'. This can be found on www.gov.uk, or via [this](#) link.

Q2. What standards should a manager expect an employee to demonstrate?

A manager can expect employees to reach and maintain the required standard of work performance for the job, provided that the employee has been made aware of the required standards. When considering an employee's performance, the manager needs to consider their achievement against any agreed objectives, and their personal effectiveness in relation to the relevant behaviours from Success Profiles.

The manager and employee may also wish to reflect on the standards set out for being considered to be 'Achieving' in the SCS Performance Policy, and the outcomes of the expectation setting meeting which the department will have conducted at the start of each performance year.

In the context of poor performance, this means that managers can expect, as a minimum, employees to work to the best of their ability, co-operate with any training and consolidation needed, take an active part in discussions about work, and to adhere to the Civil Service values.

Q3. What if ill health or disability is affecting the employee's performance?

The Manager is responsible for asking, and the employee responsible for raising, if the drop in performance is likely to be linked to health or disability reasons. In cases of ill health, it may be appropriate to refer the employee to the Occupational Health Service (OHS). Advice from the OHS may be useful in helping to understand how their health may impact on their performance and what reasonable adjustments might help mitigate its effects. Human Resources can advise further on Occupational Health Services and how they work within the Department, as well as how to access them.

Where appropriate, in cases of serious ill health, employees may be medically retired. Where either disability or long-term health conditions are a factor, managers should allow for appropriate adjustments to be put in place, and to take effect, before reassessing the employee's performance.

Q4. What happens if the line manager becomes absent from work?

Poor performance action will be undertaken by the countersigning manager if the line manager becomes absent. If the absence becomes long term, the countersigning manager may arrange for another manager to take over the action.

Q5. How should managers treat other personal issues?

Managers should consider any outside factors such as personal problems that may have affected performance, including whether these are temporary or permanent. Managers should remind the employee about any Employee Assistance Programme (EAP), or other support/counselling services.

Q6. What do managers need to consider when setting a review period?

The expectation is that there should normally be improvement within 1 month. An extension up to 3 months may be possible in exceptional circumstances, such as reasonable adjustments as a result of a disability, identified learning and development needs, the type of work the employee does, what is expected of them, and what improvement is necessary.

If evidence comes to light which necessitates a review period of more than 1 month, line managers should decide what extension is suitable. Review periods should not automatically be extended to 3 months.

Q7. How long should the Managing Poor Performance procedure take in total?

In instances that result in dismissal, it is expected that, where line managers have properly managed performance the procedure should take no longer than 6 months. This includes any action covering both the First Written and Final Written Warning, as well as the Stage 3 decision.

During a 12 month Sustained Performance period, normal performance management arrangements apply, subject to any increase in frequency of performance discussions.

Q8. How should a manager review progress after issuing a warning?

Managers should monitor progress carefully, have regular meetings, and give feedback during the review period. They should encourage further improvements in performance by giving praise when it is due and, if necessary, reminders of the standards expected. A note of all meetings or discussions should be made and copies given to the employee. A note of the review period, containing a summary of the discussions that have taken place, should be provided to the employee. This should contain no information that has not already been discussed.

Q9. What happens if there is a change of line manager during the review period?

The previous line manager must make sure they have completed a thorough handover of the case with the new line manager, including passing over all notes of discussions. Once the handover is complete, the new line manager should arrange to meet with the employee as soon as possible, to ensure that the action being taken is not disrupted.

Q10. Is there a Personal Improvement or Development Plan stage before this policy can be used?

No. There is no requirement to conduct a discrete period of performance improvement before using this policy, such as a Performance Development Plan (PDP) or similar. As part of day-to-day performance management conversations, managers are expected to address initial dips in

performance by providing employees with the help, support and encouragement required to reach and maintain the required level of performance. Where the required performance is still not demonstrated, managers will need to move to the Managing Poor Performance policy.

Q.11 What happens if an employee's performance dips again after the 12 month Sustained Performance period?

Managing Poor Performance procedures would begin afresh in these circumstances.

Q.12 How should employees, and their colleagues or Trade Union (TU) representatives, prepare for poor performance meetings?

Employees need to ensure that they have understood, and seek to perform to, the performance level required of them. They should also advise their manager if there are additional issues, at work or outside, that may be affecting their performance. Employees are advised to be open to constructive feedback, and to read and understand the Managing Poor Performance process. Employees have the right to invite a TU representative, or work colleague, to attend meetings with them.

When invited by an employee, colleagues and TU representatives may fully participate in meetings, provided they do not answer the manager's questions on behalf of the employee.

Q.13 How do managers handle employees who deny receiving communications?

Managers are advised to retain proof that written communications have been sent to, and where appropriate, received by, the employee. Email communications often provide this facility as standard. In the case of communications by post, the use of mail tracking services is recommended.

Q.14 How does this policy relate to others?

Employees who are performing poorly may also be affected by other policies, such as attendance management, or conduct.

Where an employee is absent from work for a prolonged period, they would normally be managed under Departmental attendance management procedures. Poor performance action will normally be suspended if the employee is absent, and action would recommence once the employee returns to work. Other policies are expected to run in parallel to Managing Poor Performance and do not normally affect the timescales described in this policy.

The use of this policy may also be triggered by the Performance Management Policy, which sets out that if a member of the SCS is marked as 'Partially Met' for two consecutive quarters, their line manager should draw up a performance development plan, provide the individual with the necessary support to improve their performance and schedule a review meeting to evaluate improvement. If the SCS continues to be marked as 'Partially Met' after this, including as part of their end of year discussion, there will be an expectation that they are placed on formal poor performance measures as part of the SCS poor performance policy. There is therefore a direct link between these two policies, in that the former may trigger the latter to be used.

Q.15 What additional support is available to managers using this policy?

Managers may find it useful to speak to their Human Resources team who can help them access the right performance management information within the Department, as well as any specific guidance and central frameworks appropriate to the SCS. Holding discussions about poor performance can be challenging. Further advice on handling difficult conversations is provided in the SCS Performance Management Framework.

Q.16 Is downgrading an alternative to dismissal?

Where an employee has failed to demonstrate the required improvement in performance through stages 1 and 2, there is an expectation that they should normally be dismissed at stage 3. If, in exceptional circumstances, downgrading is to be offered, it should only be considered if there is a role available at the lower grade; if the manager feels the employee will be successful in the role; and if the employee agrees to be downgraded. The employee must be informed of the effect of downgrading on their pay and pension. If downgrading is not available, the employee should normally be dismissed.

Model Letters

*denotes areas where the user should delete as appropriate

Personal

Model Letter 1

Invitation to Poor Performance Meeting

Date

[Name and location of the employee]

Dear

When we met on **[date - give date of last meeting]** I explained that your work performance **[*has fallen/remains]** below the required standard.

[For invitations to Stage 2 or 3, use A or B as appropriate]

A: As you received a written warning prior to entering the Sustained Performance period, you will re-enter the Managing Poor Performance process at stage 2.

Or

B: We agreed a review period until **[enter end date of review period]** during which your performance has not improved. Therefore, I am moving to the next stage of the Managing Poor Performance process.

I attach a copy of the discussion we had, and a copy of the process.

I would like to meet with you to discuss your work performance as set out in the Managing Poor Performance process. The objective of the meeting is to support you in improving your performance to the required standard. I propose to meet you on **[date – give at least 5 working days’ notice]** at **[time]** in **[location]**. The meeting may result in a **[*first/final]** written warning.

You have the statutory right to be accompanied at the meeting by your TU representative or a work colleague. Please notify me in advance of the meeting of who will be accompanying you. If you or your companion cannot attend on this day then you should contact me and ask for the meeting to be re-arranged. Please note that any new meeting must take place within 5 days of the original date and that the meeting may only be re-arranged once.

If you or your companion has any special requirements, please let me know before the meeting so that I can make the necessary arrangements.

[Name] will be present as a note taker.

I would encourage you to prepare for the meeting and there is additional support available to you through **[add in details of any Employee Assistance programme, or other support/counselling services]**. If you have any questions, please get in touch with me.

Yours sincerely,

(Name of Manager)

(Signature)

Enc.

- Managing Poor Performance Policy
- Notes of discussion

Issuing a Written Warning

Date

[Name and location of the employee]

Dear

When we met on **[date]** we discussed your work performance. **[*I am/I explained that I was]** giving you a **[*first/final]** written warning because your work performance **[*was not at /remains below]** a level that is acceptable to the Department.

We discussed the issues relating to your performance which were as follows:
[Include a summary of the performance issues identified, the improvement required, actions to be taken and the help and support that will be provided. Refer to the discussion note if it is sufficiently detailed]

We have agreed your work performance will be reviewed during the period of **[Review periods should not normally be longer than 1 month. In exceptional circumstances, the review period may be extended to take account of reasonable adjustments as a result of a disability and training needs up to a maximum of 3 months]** which starts on **[date]** and ends on **[date]**.

We will meet during the review period every **[specify when discussions will take place – weekly/fortnightly/monthly]** to discuss your progress. You are expected to take full advantage of this opportunity to improve your performance. I must warn you that if your work does not meet the required standard in this review period you will move to the next stage of the Managing Poor Performance policy which could ultimately lead to your dismissal.

We will meet again at the end of the review period on **[date]** at **[time]** in **[location]** to discuss your work performance during the review period. You have the statutory right to be accompanied at this meeting by your TU representative or a work colleague. Please notify me in advance of the meeting of who will be accompanying you. If you or your companion cannot attend on this day then you should contact me and ask for the meeting to be re-arranged. Please note that any new meeting must take place within 5 days of the original date.

If you or your companion has any special requirements, please let me know before the meeting so that I can make the necessary arrangements.

I have included notes of our discussion from the meeting.

Yours sincerely,
(Name of Manager)
(Signature)
Enc. Notes of discussions

Personal

Model Letter 3

Reminder of Review Meeting

Date

[Name and location of the employee]

Dear

I am writing to remind you of our end of review period meeting on **[date]** at **[time]** at **[location]**.

At the meeting we will discuss your work during the review period **[enter dates of start and finish of review period]** in accordance with the procedures for Managing Poor Performance.

You have the statutory right to be accompanied by your TU representative or a work colleague. Please notify me in advance of the meeting who will be accompanying you. If you/your companion cannot attend on this day then you should contact me and ask for the meeting to be re-arranged. Please note that any new meeting must take place within 5 days of the original date.

If you/your companion have any special requirements please let me know before the meeting so that I can make the necessary arrangements.

I am enclosing a copy of the report on your work during the review period, previous discussion records and a copy of the policy.

[Name] will be present as a note taker.

Yours sincerely,

(Name of Manager)

(Signature)

Enc:

End of review period report

Notes of discussion

Managing Poor Performance Policy

Personal

Model Letter 4

Work Satisfactory after a Review Period

Date

[Name and location of employee]

Dear

When we met on **[date]** we discussed your work performance. I explained that your work had improved to a satisfactory standard during the review period. I am very pleased with the improvement and wish to thank you for your efforts during the review period.

As your performance has now reached an acceptable standard, you now enter a 12 month Sustained Performance period. You will return to the normal performance management arrangements with your performance reviews being held **[state frequency of discussions]** as usual. If your work performance deteriorates to an unacceptable standard again within 12 months from **[insert last day of the latest review period]** the next stage of the formal process will be triggered and **[*a final written warning/dismissal]** will be considered.

If you need any help, please feel free to ask me.

I include notes of our discussion from the meeting with this letter.

Yours sincerely,

(Name of Manager)

(Signature)

Enc:

Notes of discussion

Personal

Model Letter 5

Work Satisfactory After 12 Month Sustaining Performance Period

Date

[Name and location of employee]

Dear

In my letter of **[date]** I confirmed your performance had reached an acceptable standard and you returned to the normal performance management arrangements. I reminded you of the need to ensure your work performance remains acceptable in the future. If there was any unacceptable deterioration within 12 months from **[insert last day of the latest review period]** the next stage of the formal process would have been triggered.

I am very pleased to confirm that your performance has been sustained in this period and that as a result there will be no further formal action taken.

If you need any help, please feel free to ask me.

Yours sincerely,

(Name of Manager)
(Signature)

Personal

Model Letter 6

Invitation to Final Decision Meeting

Date

[Name and location of employee]

Dear

When you met with **[*me/your manager]** on **[date - give date of last meeting]** **[*/they]** explained that your work performance has remained below the required standard. Therefore, I am moving to the final decision stage of the Managing Poor Performance process. I attach a copy of the discussion we had and a copy of the process. This is a serious matter that could result in dismissal.

Before I make a decision on this matter you have the opportunity to give any further information that may help me to reach a decision. I would like to meet you on **[date and time – a minimum of 5 working days’ notice from the date of this letter must be given]** at **[location]**. You can provide written details to me before the meeting if you wish.

You have the statutory right to be accompanied at this meeting by your TU representative or a work colleague. Please notify me in advance of the meeting of who will be accompanying you. If you or your companion cannot attend on this day then you should contact me and ask for the meeting to be re-arranged. Please note that any new meeting must take place within 5 days of the original date.

If you or your companion has any special requirements, please let me know before the meeting so that I can make the necessary arrangements.

After the meeting, I will consider your comments and the other details of the case and make my decision. I would like to remind you that this is your final opportunity to state your case before I make a decision. If there are any mitigating factors, such as an illness or disability, that may have been affecting your performance, then it is up to you let me know. If you do not attend the meeting or contact me to rearrange it, I will assume that you have nothing further to add and will make my decision based on the evidence already available to me.

Following the meeting, I will send you my decision in writing. If for any reason I am unable to inform you of my decision within 5 working days, I will write to let you know the reason for the delay and when you can expect a decision.

[Name] will be present as a note taker.

Yours sincerely,

(Decision Maker's Name)

(Signature)

Enc:

Managing Poor Performance Policy

Notes of discussion

Personal

Model Letter 7

Decision to Issue a Sanction (not including Dismissal)

Date

[Name and location of employee]

Dear

You already know that your work performance has been a matter of concern and that I have been considering the future of your employment.

You met with me on **[insert date of meeting]** to make any representations, before I made my decision about your employment.

I have now carefully considered the facts of your case, and have decided that your work performance is still unacceptable.

[Use A or B as appropriate]

A: We discussed the possible sanctions that may be issued and you were informed that you would **[insert details of the sanction to be applied if not downgrading or dismissal]**

Or

B: You were given the choice of downgrading or dismissal and accepted downgrading. You have been made aware of the effect of this action on your pay/pension. You will now be downgraded on the grounds of poor performance to **[grade]** from **[date]**. You will receive further information about the arrangements for taking up your new post.

If you are dissatisfied with my decision, or you feel the procedure has not been applied correctly, you can appeal. If you decide to appeal you should do so in writing within 10 working days of receiving this letter. Your letter should be sent to **[insert name of Appeal Manager]** who will act as the Appeal Manager in your case. A TU representative or work colleague can help you to prepare your appeal.

I have included a copy of the note of our discussion with this letter.

Yours sincerely,

(Decision Maker's Name)

(Signature)

Enc: Notes of discussion

Model Letter 8

Decision to Dismiss

[In additional to this letter, some departments may also need to issue their own leaving letter]

Date

[Name and location of employee]

Dear

You already know that your work performance has been a matter of concern to the Department and that I have been considering the future of your employment.

You met with me on **[insert date of meeting]** to make representations, before I made my decision about your employment.

I have now carefully considered all the facts of your case. Despite our efforts to support you and to provide you with the opportunities to improve, your work performance is still unacceptable. I have decided that you should be dismissed from the Department on the grounds of poor performance.

[Use A or B as appropriate]

A: You are entitled to ___ weeks' notice and are therefore dismissed with effect from **[date - last day of notice period]** which will be your last day of service.

Or

B: You are entitled to ___ weeks' notice, but you are not required to work your notice period. You will receive payment in lieu of notice. Your last day of service will be regarded as **[date of this letter]**.

Rights of appeal

You have the right to appeal against the decision to dismiss you, or if you feel the procedure has not been applied correctly. Any appeal must be made within 10 working days of receiving this letter. A TU representative or work colleague can help you to prepare your appeal. The Appeal should be sent to: **[insert name of Appeal Manager]** who will act as Appeal Manager in your case.

I must remind you that you will continue to be bound by the provisions of criminal law, which protect certain categories of information, and by your duty of confidentiality owed to the Crown as your former employer.

You must obtain permission in advance if you wish to accept a job with a person, firm or company with whom you have had official dealings or have had commercially sensitive information about their competitors, within two years of leaving your employment with the Crown.

You must not, at any time, use or disclose confidential information or trade secrets which you have had access to during your employment with the Department.

I have included a copy of the notes of our discussion with this letter.

Yours sincerely,

(Decision Maker's Name)

(Signature)

Enc:

Notes of discussion

Personal

Model Letter 9

Invitation to Meet with the Appeal Manager

Date

[Name and location of employee]

Dear

I have received your appeal against **[*the decision to terminate your employment/downgrade you]**.

Before I make a decision on this matter you have the opportunity to give any further information that may help me to reach a decision. I would like to meet you on **[date and time - within 5 days of request for appeal]** at **[location]**.

You have the statutory right to be accompanied at this meeting by your TU representative or a work colleague. Please notify me in advance of the meeting of who will be accompanying you. If you or your companion cannot attend on this day then you should contact me and ask for the meeting to be re-arranged. Please note that any new meeting must take place within 5 days of the original date.

If you or your companion has any special requirements, please let me know before the meeting so that I can make the necessary arrangements.

After the meeting, I will consider your comments and the other details of the case and make my decision. If you do not attend the meeting or contact me to rearrange it, I will assume that you have nothing further to add and will make my decision based on the evidence already available to me.

I will send you my decision in writing. If for any reason I am unable to inform you of my decision within 5 working days, I will write to let you know the reason for the delay and when you can expect a reply.

[Name] will be present as a note taker.

(Appeal Manager's Name)
(Signature)

Personal

Model Letter 10

Appeal Manager's Decision

Date

[Name and location of employee]

Dear

I am writing to inform you of the outcome of your appeal against the [***the decision to terminate your employment/downgrade you**].

We met to discuss your appeal on [**insert date of meeting**]. I have now carefully considered all the facts of your case, and have decided to

[Use A or B as appropriate]

A: reject your appeal against the Department's decision that you should be [***dismissed/downgraded**] on the grounds of poor performance. This means that the Department's decision stands. I have made this decision because: [**give your reasons why the appeal has been rejected**]

Or

B: uphold your appeal against the Department's decision and [***you will not be dismissed/*you will not be downgraded**]. I have made this decision because: [**give your reasons why the appeal is being upheld. Include information on what the employee should do next – e.g., report to work as normal on dd/mm; report to work with [which manager] at [what new grade]**].

The Managing Poor Performance Policy has one right of appeal. You have now exercised your right of appeal and this decision is final.

I have included a copy of the notes of our discussion with this letter.

(Appeal Manager's Name)

(Signature)

Enc: Note of discussion

Managing Poor Performance Checklist

The following checklist is for reference only. Managers may find it helpful to refer to for appropriate action at each stage of the process. Please note that this document does not replace any published policy or procedure which should be referred to at all times.

Action	Completed	Date
Stage 1		
1		
2		
3		
4		
5		
6		
7		
8		

	<ul style="list-style-type: none"> If a decision is made not to move to the second stage, the length of time sustained performance is expected (12 months). If performance has improved issue Model Letter 4 If the decision is made to move to the next stage, issue Model Letter 1 		
9	If a warning is not issued, continue to monitor performance throughout the Sustained Performance Period. If performance remains acceptable issue Model Letter 5		
10	Ensure all notes relating to the employee are securely and confidentially maintained in line with departmental policies.		
Stage 2			
11	<p>Prior to Stage 2 meeting, send invite letter to employee (Model Letter 1):</p> <ul style="list-style-type: none"> State date, time and location of meeting. Inform the employee of the right to be accompanied. Provide 5 working days' notice of the meeting. Inform the employee a potential outcome of the process is dismissal. <p>If the employee's performance has clearly not improved during the review period, it may be appropriate to move directly to step 20 – stage 3.</p>		
12	<p>Hold Stage 2 meeting:</p> <ul style="list-style-type: none"> Consider any new evidence which the employee may provide. Inform the employee how they will be informed of the decision if it is not possible to do so at the meeting itself. 		
13	<p>After Stage 2 meeting, provide a written letter to the employee within 5 working days of the meeting, clearly stating:</p> <ul style="list-style-type: none"> The decision taken A note of the meeting <p>If a warning is being issued (Model Letter 2), also include:</p> <ul style="list-style-type: none"> The improvements required from the individual. The support available to the individual. The length of the review period. The date of the review meeting. 		
14	Hold regular performance discussions during the review period.		
15	<p>Prior to Review meeting – send reminder to employee (Model Letter 3):</p> <ul style="list-style-type: none"> State date, time and location of meeting. Inform the employee of the right to be accompanied. Provide 5 working days' notice of the meeting. Include a report on the employees work during the review period and any additional relevant information. 		
16	<p>Hold the Review meeting:</p> <ul style="list-style-type: none"> Inform the employee how they will be informed of the decision if it is not possible to do so at the meeting itself. 		
17	<p>After the Review meeting – provide a written letter to the employee within 5 workings days of the Review meeting, clearly stating:</p> <ul style="list-style-type: none"> A note of the meeting. The decision that was taken. If a decision is made not to move to final warning, the length of time sustained performance is expected (12 months). 		

	If performance has improved issue Model Letter 4. If the decision is made to move to the next stage, issue Model Letter 1.		
18	If a warning is not issued, continue to monitor performance throughout the Sustained Performance Period. If performance remains acceptable at the end of this period issue Model Letter 5.		
19	Ensure all notes relating to the employee are securely and confidentially maintained in line with departmental policies.		
Stage 3			
20	Prior to Stage 3 meeting, send invite letter to employee (Model letter 6): <ul style="list-style-type: none"> ● State date, time and location of meeting. ● Inform the employee of the right to be accompanied. ● Provide 5 working days' notice of the meeting. ● Include notes of previous discussions. ● Inform employee a potential outcome of the meeting is dismissal. 		
21	Hold Stage 3 meeting <ul style="list-style-type: none"> ● Consider any new evidence which the employee may provide. ● Inform the employee how they will be informed of the decision. 		
22	After the Stage 3 meeting <ul style="list-style-type: none"> ● Consult HR for advice on consistency with similar cases, particularly if a decision is taken to dismiss. ● Reflect on whether your decision is proportionate to the performance demonstrated. ● Provide a written letter to the employee within 5 working days of the meeting, clearly stating: <ul style="list-style-type: none"> ○ The decision that has been taken. ○ The right to appeal. ○ How to submit an appeal. ○ A note of the meeting. Model Letters 7 or 8 may be issued depending on the sanction decided		
23	Ensure all notes relating to the employee are securely and confidentially maintained in line with departmental policies.		