



Policy Reference No: PM07

Employee Support and Improvement Policy

St Helens Borough Council

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Policy Information

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Our Vision and Values

The Council has co-designed a clear vision for workplace culture and worked together with employees to identify values and behaviours for everyone. These will be at the core of how we work together to deliver our services. Employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment.

Our vision, values and behaviours are underpinned by our Bonds for Working Together at St Helens which outline what employees can expect from working at the Council and what is expected of them.

Our Culture, vision, values, behaviours and Bonds for Working Together at St Helens



Introduction and Purpose

St Helens Borough Council recognises that its most important asset is the skill and dedication of its employees and is therefore committed to supporting them through a structured and planned approach to performance management and employee development.

The Council's induction and appraisal process is an important part of the Council's approach to learning and development and is a key part of the process of identifying the learning needs of employees.

The Council recognises that most employees provide good and, on many occasions, excellent performance. However, sometimes an employee's performance falls below what is expected of them as a result of a lack of capability or competence. The Council's Employee Performance Improvement Procedure aims to ensure that managers and employees are aware of their obligations, understand the nature of poor performance and know how to deal with this successfully. It also provides guidance for managers when dealing with concerns of an employee's poor performance due to capability.

The policy objectives are to ensure that managers and employees understand the performance management process and their respective roles within the process and when, on the rare occasion an employee's performance falls below what is expected of them, to provide a mechanism for supporting employees in achieving and sustaining good performance.

Policy Statement

The policy's objectives are to:

- Ensure that the Council meets its obligations and complies with good practice and employment and equality legislation when managing employee's performance.
- Ensures that all employees are treated with dignity and respect and that all processes are operated efficiently and consistently.
- Promotes high standards of performance and service provision;
- Assists employees to improve their performance;
- Provides a fair and consistent means of dealing with work performance which is below an acceptable level for the role in which the person is employed.

Scope of the Policy

This policy applies to all Council employees with the exception of staff employed by Governing Bodies in schools.

Definitions and Abbreviations

In the Policy, the following words and phrases mean:

Council - St Helens Borough Council

Employee - Those employed by St Helens Borough Council including agency/consultancy staff, secondees to the organisation and those employed under partnership arrangements but excluding those employed in schools.

Equality, Diversity and Inclusion

The Public Sector Equality Duty of the Equality Act 2010 applies to both employment at the Council and in the delivery of Council Services. The Council's Comprehensive Equality Policy sets out the duties and requirements of the Equality Act 2010, and other relevant legislation.

The Equality Act 2010 protects all people from discrimination, harassment and victimisation. The Council is committed to promoting equal opportunities in employment and all employees will receive equal treatment regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation or caring responsibility.

The Council has a zero tolerance towards discrimination, harassment and victimisation. All employees must show due regard to acknowledge and value people's differences, and, as far as possible, where permissible in Council policy and practice, meet an individual's needs in accordance with their choices and preferences.

The minimum standard of behaviour and attitude expected of council staff is to ensure all people who employees come into contact with are given equal opportunities and treated fairly and respectfully.

Induction and Initial Training

An effective induction process is important for settling new employees into their roles, whether they are new appointees, employees who change jobs via promotion, transfer or secondment or who return to work from a period of long-term absence for whatever reason. This must be undertaken in accordance with the Council's Induction Policy.

An important part of induction is the initial appraisal, which should be undertaken as part of the extended induction process so that the employee is clear about their areas of work and objectives that they need to meet and standards to be achieved. Any initial training identified as part of the induction should be recorded in the employee's appraisal record.

Learning and Development Policy

The Council's Training, Development and Learning Policy outlines how the Council provides training opportunities for its employees to help them to undertake their roles. The appraisal process is a key part of the many ways that training and development needs are identified and met and all training identified through appraisal needs to be provided in accordance with the Training, Development and Learning policy.

Setting Standards

It is the responsibility of the manager to determine the standard of satisfactory performance for an employee. This should be done with reference to the employee's job description, service plans, the Council's objectives, and the requirements of the employee's designated working

arrangement, including where employees work within Location Based or Hybrid/Agile arrangements in line with the Council's Hybrid and Agile Working Policy. Managers are also responsible for ensuring that an employee is aware of the expected standards of performance and conduct associated with their role and working arrangements.

Management guidance on setting standards is available [via this link](#).

Probationary Period

All external appointments made via an external recruitment exercise will be subject to a six-month probationary period during which their suitability for the post will be assessed. Informal assessment of an employee's performance should be undertaken via day-to-day management by their line manager. Formal assessment will take place after one month, three months and six months. Continued employment will be subject to satisfactory assessment.

Following conclusion of the six-month formal assessment, the employee will either be confirmed in post if they have demonstrated their suitability and the probationary period will end, or a Probation Review Meeting will be arranged if they have failed to demonstrate their suitability. Prior to the conclusion of the six-month period, the Council may terminate an employee's contract of employment during the probationary period, via a Probation Review Meeting if there is clear evidence of unsuitability.

During the probationary period any conduct, attendance or health issues impacting on performance will be managed under the probationary process in conjunction with the principles contained within the Council's Attendance Management Policy and Procedure and Dispute Resolution Policy.

In exceptional circumstances it may be appropriate to extend the probationary period for a maximum of three months. This could be as a result of an employee's sickness or other authorised absence when it has not been possible to assess suitability or where an employee has not fully demonstrated suitability, but there is clear evidence to suggest that performance is likely to improve with a further period of probation. The probationary period can only be extended once.

The probationary period also applies to employees who change roles within the Council during their period of probation. Where an employee is appointed on a temporary contract for less than six months, the probationary period will apply for the duration of the contract. More information relating to the probationary process can be accessed [via this link](#).

Identifying Performance Problems

It is important that managers deal with any potential performance issues promptly. If issues are not dealt with problems can quickly spiral and impact on employees, the team and customers/service users. Managers should follow the management guidance associated with this procedure, when the performance of an individual is below the required standard. When dealing with what a manager considers to be unsatisfactory standards of work they need to be absolutely clear about how the employee is underperforming and what constitutes unacceptable performance. Examples of what constitutes unacceptable performance is available within the management guidance.

Application of the Employee Performance Improvement Procedure

The procedure has an informal and formal stage when managing performance. The management guidance, accessible [via this link](#), outlines the process that managers need to follow when dealing with an employee's underperformance.

When dealing with an employee's underperformance within the formal stage of the procedure there are four stages.

Right of Appeal

An employee has the right to appeal against any formal warnings issued under this procedure and against a decision to dismiss. To exercise the right of appeal, the employee must notify the person named in the decision outcome letter that they wish to appeal. This must be done in writing and sent within ten working days from receipt of the letter outlining the formal warning or decision to dismiss and must outline the grounds of appeal.

Employee Performance Improvement Procedure

General Principles

- Managers should differentiate between poor performance due to an employee's capability (what someone cannot do) and poor performance due to a wilful refusal or disinclination to work or deliberately not doing work as directed (what someone will not do). The former is a matter of competence and should be dealt with under this procedure, whilst the latter examples should be dealt with under the disciplinary procedure.
- Managers are responsible for defining performance standards and expectations and ensuring that employees are aware of these standards and expectations.
- The emphasis is on supporting and encouraging employees to achieve a consistent and acceptable level of performance. Should problems arise, employees should be made aware of the nature of the problem(s) from the outset, and receive support and guidance, both on a personal and work-based level, where appropriate.
- The policy will be applied objectively during all stages and is designed to ensure that employees are treated fairly and consistently.
- In the event of an employee becoming absent from work due to sickness during this process, then medical advice may be sought from the Council's Occupational Health Unit. Each case will be considered individually and it may be appropriate for monitoring and/or formal procedures to continue during periods of sickness absence.
- Where an employee's performance does not reach the required standard or the required standard cannot be maintained despite support being provided, consideration will be given to reasonable options including alternative employment where appropriate, available and mutually agreed.

Informal Stage

When dealing with an employee's underperformance within the informal stage the guidance concentrates on the follow:

- The initial meeting with the employee and what should be covered
- How the meeting should be conducted
- How the meeting should be recorded and the necessary documents that need to be completed and provided to the employee
- Timescales for improvement and how this will be monitored and reviewed
- The outcome should the manager be satisfied with progress
- The next steps a manager needs to take should performance not have improved to an acceptable level
- How the employee will be notified should it be necessary to progress to the formal stage of the procedure.

Formal Stage

When dealing with an employee's underperformance within the formal stage of the procedure there are four stages.

Stage One

Stage one involves a first formal meeting held with the employee to discuss the outcome of the period of improvement during the informal stage of the procedure. The manager should invite a response from the employee and after considering all the information available to them should make a decision based on three options.

- a) Performance has improved to an acceptable level and the employee should be withdrawn from the procedure. This should be confirmed in writing to the employee who will also be advised that if their performance declines within the next six months, they may either re-enter the procedure at the formal stage, or may be subject to the disciplinary procedure dependent on circumstances.
- b) Issues still remain and a Formal Warning is issued and the employee moved to Stage Two with an improvement period set for four weeks. This will be confirmed in writing acknowledging any progress made and those issues that remain. This letter will also confirm the arrangements for a formal review meeting that will take place at the end of the improvement period.
- c) Very serious concerns exist, for example health and safety concerns, safeguarding concerns or concerns likely to affect the reputation of the Council, and unacceptable progress has been made and a Final Warning is issued with an improvement period set four weeks. This will be confirmed in writing. The letter will also outline the details of unsatisfactory progress. The letter will also confirm that at the end of the review period a decision meeting will be arranged at Stage Four of this procedure.

Where option b) or c) is the outcome, the meeting will then continue, and the manager will re-visit the action plan and ensure that the action plan includes:

- A clear outline of the current standard of work and what the expectation is, identifying improvements to be made
- A clear outline of what needs to be done, by whom and by when - this includes setting targets and expected outcomes, support to be provided/continued including any coaching and training required and any appropriate aids or equipment required.
- Details of how you will review performance including monitoring and review dates.

The action plan should be updated to reflect the discussion.

It is important that the employee recognises and accepts there is a problem and feels that they have an opportunity to feed into how it is to be addressed, understands the procedure, and the potential for further action and possible implications for their continued employment.

The Manager will confirm the time scale of the review period for improvement to occur, specifying the commencement date and inform the employee that if the improvement is not achieved more serious action may be taken. In the case of a final written warning the employee should be made aware that this could lead to dismissal.

The updated action plan should be provided to the employee along with a letter detailing the outcome of the meeting and the potential consequences should they not meet and maintain

the required standards. This should be provided to the employee within five working days of the meeting.

Within the improvement period, the manager should review performance fortnightly and feedback to the employee any progress, or lack of, made against the targets. A written record of the review discussion should be kept and should include any reference to any support and advice provided/offered.

Stage Two

Stage two follows the same process as stage one and commences with a stage two formal review meeting to discuss the outcome of the period of improvement. The same considerations and discussions should take place. The manager will make a decision based on the same options as indicated under Stage One, however they need to be aware of the following differences:

- option a) and performance declines within the following six months the employee will be advised that they may re-enter the procedure at Stage Two.
- option b) the employee will be issued with a Second Formal Warning and moved to Stage Three of the procedure. The improvement period will be confirmed as six weeks.

Where option b) or c) is the outcome, the meeting will then continue following the same format as outlined above.

All other considerations and processes as outlined in Stage One should be followed by the manager.

Stage Three

Stage three also follows the same process as stage one and commences with a stage three formal review meeting to discuss the outcome of the period of improvement. The same considerations and discussions should take place. The manager will make a decision based on the same options as indicated in Stage Two, however they need to be aware of the following differences:

- option a) and performance declines within the following six months the employee will be advised that they may re-enter the procedure at Stage Three.
- option b) the employee will be issued with a Final Warning and moved to Stage Four of the procedure. The improvement period will be confirmed as four weeks.

Where option b) or c) is the outcome, the meeting will then continue following the same format as outlined above.

All other considerations and processes as outlined in Stage Two should be followed by the manager.

Stage Four – Decision Meeting

At the end of the review period the employee will be informed in writing that concerns remain and they will be required to attend a formal decision meeting at which their performance shall be discussed and future employment considered. The employee has the right to be

accompanied at the meeting by either a Trade Union Representative or a work place colleague.

The meeting will be chaired by a relevant senior officer with the power to dismiss who will be accompanied by a member of staff from Human Resources. The manager will be required to attend the meeting and provide the appropriate information to support their decision that unacceptable levels of performance remain. The manager may wish to provide any documentation in support of their decision, and if so these should be provided to the employee who will also have the opportunity to provide the manager with any relevant supporting information. A joint bundle of documents should be provided to the Chair of the meeting, a minimum of 5 working days prior to the hearing.

The Decision meeting will be conducted following the Order of Presentation available [via this link](#).

The Chair of the meeting will consider all the information relating to the case and will reach a decision. If the decision is that dismissal is appropriate, the employee will be informed of this. This will be confirmed in writing within five working days. Dismissal in these circumstances is with the appropriate contractual or statutory notice, whichever is greater.

Should the Chair decide not to dismiss, they may decide on other appropriate action, which may include setting a further period of monitoring, returning to an earlier part in the procedure or removing the employee from the procedure.

Right of Appeal

Appeal against Formal Warnings

An appeal against a formal warning will be heard by a more senior manager than the manager who issued the original warning. All documentation submitted to, and accepted by, the first hearing will be provided to the chair of the appeal in advance.

These appeals will take the form of a review by way of oral submissions from the management side and employee side, with reference to any documentation submitted to the original meeting, as appropriate. The format to be used for such appeals is available [via this link](#).

Appeal against Dismissal

Appeal against dismissal will be heard by a Personnel Appeals Panel. This appeal will also take the form of a review of the decision by way of oral / written submissions from the management and the employee, with reference to notes of the decision meeting and documentation submitted to, and accepted by, the Chair of the decision meeting. The format to be used for an appeal against a dismissal is available [via this link](#).

The Panel may, at their discretion, substitute other action. This may include setting a further period of monitoring, returning to an earlier part in the procedure or removing the employee from the procedure.

Any appeal will not interrupt any stage of the procedure. Decisions will be retrospective should an appeal be successful.

The appeal decision is final and concludes the internal process.

