
Performance Support and Development Policy



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1 Introduction and Context

- 1.1 The Public Services Ombudsman for Wales recognises that good performance by staff at all levels of the organisation is essential to the provision of high quality services to complainants and public service providers. Since the organisation is funded from the public purse, there is also a duty to ensure that all members of staff perform at an acceptable level, to ensure that the service provides value for money. Maintaining high levels of performance is the responsibility of all staff
- 1.2 This Policy is separate to the annual appraisal process (Performance Review & Development Process - PRDP), which is the annual cycle of performance support and development that all staff go through. There is a separate document that outlines that process.
- 1.3 This policy sets out the organisation's approach when there is a shortfall between what is expected of a member of staff and what they are actually delivering. The process is intended to provide clarification of expectations and provide support and development where appropriate for the staff member to close any gap that may exist. This includes setting standards of performance, providing support and training to allow staff to achieve the required levels of performance, recognising good performance and addressing poor or unacceptable levels of performance.
- 1.4 This policy aims to ensure that all members of staff carry out their duties:
 - to the highest standards
 - so as to meet current internal and external output targets and exceed them where possible
 - to provide high quality and timely support to colleagues
 - to meet the Ombudsman's other objectives, as outlined in the current operational plan
 - to protect and enhance the reputation of the Ombudsman
 - to facilitate staff reaching their full potential.

- 1.5 Whilst the principles and approach are set out in this policy, it is recognised that there must be a degree of flexibility in its application, depending on circumstances. The approach to and level of detail in, the support and development of performance will depend on the circumstances, on the nature of the roles involved and on individuals. It may be that over-prescriptive management can be unhelpful for experienced staff who are performing well. However, closer monitoring and support can be helpful for less experienced staff and where there is a need to close the gap between expected performance and actual delivery in the role.
- 1.6 References to “managers” in this policy includes all managers, including Assistant Investigation Managers and others who have been assigned some or all of the specific tasks involved. COO/DOI refers to the Chief Operating Officer & Director of Improvement. CLA/DOI refers to the Chief Legal Adviser & Director of Investigations and HRBP refers to the Human Resources Business Partner.
- 1.7 This policy does not form part of the contract of employment and it may be amended at any time. PSOW may also vary this procedure, including any time limits, as appropriate in any case.
- 1.8 This policy applies to staff who have successfully completed their probationary period. It does not apply to any staff who are in probation, the Probation Policy will apply in those cases.

2 Principles of the Policy

- 2.1 PSOW has high expectations of its staff. It recruits those it believes can meet those expectations. All staff, irrespective of their level of experience, are expected to take responsibility for their performance and to work continuously to improve it. This will help the organisation to remain relevant and influential in a changing environment.
- 2.2 Good performance is positive for the individual member of staff, the team, the manager and the organisation. Poor performance can be worrying to the individual, dispiriting for colleagues, if they see that poor performance is not addressed and damaging to the organisation.

- 2.3 Supporting and developing performance where there is a shortfall, is an interactive and open process and focuses on supporting staff to perform well, closing any gap between management expectation and staff delivery. It provides an opportunity for addressing instances of poor performance. PSOW's aim is to be flexible and constructive, to support high performance. Where the level of performance falls short and is not acceptable, PSOW will help the member of staff to reach an acceptable level of performance and to work to secure continued improvement.
- 2.4 Managers should be clear about what they expect from staff and how they can support them. They should actively recognise and acknowledge good performance both during formal appraisal/PRDP discussions and through ongoing informal feedback. Equally, Managers need to communicate where necessary, that ongoing poor performance is not simply accepted or worked around.
- 2.5 Where performance falls below the expected standards, the actions of PSOW and of individual managers will take appropriate account of personal circumstances at each stage of the process, but will require performance to reach the required level within a reasonable period.
- 2.6 The PSOW's approach to performance management will reflect the following broad steps for managers:
1. Identify the level of performance required.
 2. Be clear (and as specific as possible) as to the expected results or outcome and by when.
 3. Communicate the expectations clearly, and be clear that they must be met.
 4. Monitor progress in an agreed way (method and frequency) but be clear that responsibility remains with the individual member of staff.
 5. Review achievement and determine new required results or take steps to address the shortfall in performance in accordance with this policy.

Note: Levels of management supervision, monitoring and involvement will vary, but where a member of staff is performing well the monitoring arrangements will generally be less frequent and less detailed.

2.7 This policy is specifically about supporting and developing performance where a shortfall exists. Poor performance may be accompanied by alleged misconduct or poor attendance. Alleged misconduct will be managed in accordance with the PSOW Disciplinary Policy. Issues of attendance will generally be addressed by the Attendance and Wellbeing Policy, but may also be a consideration under this policy where unsatisfactory performance is linked to unsatisfactory attendance.

3 Roles and Responsibilities

3.1 All members of staff are responsible for:

- managing and continuously improving their own performance
- monitoring and reporting on performance and progress to their manager
- seeking support, guidance or training to help them perform at the expected level
- ensuring they are aware of this Policy and that they meet the requirements within it
- meeting their obligations under the PPRDP .
- telling their manager if something is significantly impacting on their performance.

3.2 Managers are responsible for:

- ensuring staff have had adequate induction and training and support
- setting realistic expectations (for example the required quality and throughput of work, and the appropriate level of independence in progressing investigations or determining findings) for members of staff and communicating these, and work objectives, clearly
- ensuring staff understand their duties and the standards of performance required
- being clear (and as specific as possible) as to the expected results or outcome and by when

- providing regular feedback on performance and aiming to deal with performance that is below the required level, informally in the first instance, where possible
- recognising good performance
- helping members of staff to secure the support, guidance or training they need
- agreeing reporting and monitoring arrangements
- acting to address continued poor performance clearly, decisively, fairly and sensitively
- meeting their obligations under the PRDP.

3.3 The COO/DOI is responsible for:

- ensuring that staff are aware of and understand the Performance Support and Development Policy and other relevant policies and procedures
- ensuring that Managers are trained in the use and application of this policy
- supporting and advising Managers when dealing with matters under this Policy, seeking advice from PSOW's HRBP when appropriate
- ensuring that this Policy is up-to-date, in line with best practice and compliant with employment legislation.

4 Disabilities/Reasonable Adjustments

4.1 At each stage of the Performance Support and Development Procedure, consideration should be given to whether the shortfall in performance is related to a disability or other medical condition and if so, whether there are reasonable adjustments that could be made to the requirements of the job or other aspects of the working arrangements.

4.2 If staff have difficulty at any stage of the Procedure because of a disability, or wish to inform PSOW of any medical condition they consider relevant, they should inform their Line Manager or contact the HRBP. .

5 Process

5.1 Supporting and developing performance is continuous and applies to all staff at all levels.

5.2 There are key elements of the performance support and development process:

- induction and early support/communication of expectations
- the PRDP including mid-year review
- progress meetings during the year
- informal feedback on good or poor performance, often prompted by a specific piece of work
- feedback from review requests, audits or quality assurance reviews
- team meetings, where general issues, good practice or changes in practice, concerns or priorities that do not relate only to one individual can be highlighted

5.3 Recognising good performance and addressing poor performance, should be part of the way we work and should not be delayed until the annual or mid-year review or progress meetings. Ongoing feedback is helpful in supporting good performance. Feedback should recognise areas of good performance as well as areas of concern.

5.4 Performance includes the following:

- timescales for the completion of work
- delivery of work including reports and correspondence
- levels of output
- accuracy and professionalism of work in accordance with PSOW's Service Standards
- appropriate judgment in casework decisions and on when to seek advice from advisers or managers

- behaviours that reflect PSOW's Values and support the development of appropriate and constructive professional relationships with colleagues, complainants and public service providers

5.5 Induction and early support

5.5.1 In addition to corporate induction co-ordinated by Corporate Services, all new members of staff (and existing staff taking up new roles) must be given clear information on their duties and what is expected of them. Managers should make early arrangements to do this and will generally designate a mentor or other named point of contact for guidance.

5.5.2 During the probationary period, Probation Review meetings must take place in accordance with the Probationary Policy. This requires an initial probation review meeting to take place within the first month of employment, followed by formal probation review meetings at the intervals set out in that Policy. This will help ensure that decisions, on whether or not to continue the employment of staff, made during and at the end of the probationary period are informed decisions.

5.6 The PRDP including mid-year review

5.6.1 The PRDP provides the most formal means of agreeing objectives and priorities and for discussing good performance, areas for improvement and any areas of poor performance.

5.6.2 The PRDP is the subject of separate documents available on the intranet.

5.7 Progress meetings during the year

5.7.1 Progress meetings between each member of staff and his/her manager should take place generally at 4 to 6 week intervals. They are pre-arranged meetings, focussing on work progress/casework progress issues, including a review of performance and overall progress.

- 5.7.2 All staff are responsible for their own performance and should record their own progress and targets for the weeks ahead on the Progress Meeting Form and submit it to their line manager in good time for their progress meeting. This will then be used as an aide memoir for the meeting.
- 5.7.3 Whilst progress meetings should be informal in style, it is still necessary for notes to be made following the meeting. Manager's should add their notes on the Progress Meeting Form following the 1:1 and then share it with the member of staff before saving it to the relevant page on the Hub. The records should be available to the member of staff.
- 5.7.4 Where discussions or decisions on specific cases take place, the member of staff should record this on the Workpro case record.
- 5.8 **Informal feedback on good or poor performance, often prompted by a specific piece of work or by feedback from service users or colleagues**
- 5.8.1 Managers should provide clear and constructive feedback on work. Feedback should be given as soon as possible. Staff performing at all levels benefit from feedback.
- 5.8.2 Feedback should focus on performance or behaviours where relevant and draw on completed work, the impact of behaviours or actions and it should identify anything that needs to be done differently. **The focus should be on what can be changed and improved in the future.**
- 5.8.3 Managers should consider and discuss how they can support good performance and support the development of the member of staff.
- 5.8.4 Managers should check that comments and feedback are understood, that next steps and measures of progress are clear and agreed.
- 5.9 **Team meetings, where general issues, concerns or priorities that do not relate only to one individual can be highlighted**
- 5.9.1 Team meetings can be used to communicate or reinforce priorities and targets, raise concerns about common issues of performance or explain changes in process or priority.

- 5.9.2 Issues raised at team meetings should also be reinforced (at progress meetings, ad hoc meetings or in writing) with individual members of staff where the matters raised relate particularly to them.

6 Considerations in supporting and developing performance

- 6.1 In considering the performance of any member of staff, consideration should be given to any underlying factors, generally short-term, that may affect performance. These may include:

- health, personal or domestic problems
- recent changes in the job, working arrangements, or responsibilities
- adjusting to departmental reorganisation or a change in line management
- difficulties in settling in, or coping with the work, in the case of people who are new to their role
- difficulties experienced through the onset of menopause, until symptoms are successfully managed

- 6.2 Members of staff are encouraged to discuss with their Manager any issues which may be affecting their performance, and this should happen as soon as the member of staff is aware of the issue. Any work related concerns, issues or problems should be discussed informally between the Manager and the member of staff as soon as there is an issue or concern. If a member of staff feels unable to discuss matters with the Manager, or where the Manager is perceived by the member of staff to be part of the problem, they should approach the Manager's Manager. Where appropriate the procedure may be varied slightly, in accordance with 12.1 of this policy, as a result of such concerns.

- 6.3 Supporting and developing performance is a universal and ongoing process, generally managed through the mechanisms set out within section 5 of this policy and procedure. However it is recognised that at times it will be necessary to address concerns about performance using formal procedures. Where concerns about performance are not addressed satisfactorily by ongoing performance management as outlined above, formal action to address poor performance will be taken. This is detailed below. It is important

that managers keep good written records of meetings, discussions, actions and outcomes throughout the formal process.

7 Addressing shortfalls in performance – formal process

- 7.1 Throughout this part of the Policy, references to the right of a member of staff to be accompanied by a companion during formal proceedings allows for a Trade Union representative or a work colleague to act as companion.
- 7.2 Staff will not normally be dismissed for performance reasons without previous warnings. However if the member of staff is in their probation period, or in serious cases of gross negligence, dismissal without previous warnings may be appropriate. Both the Probation Policy and Disciplinary Policy provide guidance in those cases.
- 7.3 A high level of performance is expected of all staff. Where a manager has concerns about the performance of a member of staff, they should raise them with the member of staff, as set out in section 4 above, and make sure that the member of staff is aware of this policy and the formal process for addressing shortfalls in performance.
- 7.4 In implementing this formal process for addressing shortfalls in performance, it is important that Managers have sufficient information and can provide specific examples of when performance has fallen short of expectations. The following are examples of evidence of shortfalls in performance. These examples are not exhaustive or prescriptive but are provided as a guide:
- failure to meet the required standards of performance, which include those set out in PSOW's Service Standards
 - failure to meet reasonable timescales for the completion of work
 - delivery of work that differs from what had been specified without adequate cause
 - failure to adhere to PSOW's guidance on casework
 - lower levels of output than other colleagues carrying out comparable work, or who work at a comparable level

- higher error rates than other colleagues carrying out comparable work, or who work at a similar level
- failure to make reasonable enquiries or adequate investigation of issues raised in casework
- significant and/or repeated errors of judgment in casework decisions
- behaviours that do not reflect PSOW's values or do not support the development of appropriate and constructive professional relationships with colleagues, complainants and public service providers
- upheld complaints about the member of staff or his / her work
- failure to prepare reports/written work to an acceptable standard.

7.5 The formal process will build on information from progress meetings and other feedback and may include reference to PRDP documents. The process will be engaged when there is concern that performance has not reached or been maintained at the required level. In summary the process is:

- First performance management meeting and (first) written warning (Manager).
- Second performance management meeting with Manager, to review progress, after set period (normally 2 months). The outcome will **either** be to confirm satisfactory progress and agree any further actions **or**, if performance has not improved as required, for the Manager to issue a final written warning.
- **If a final written warning has been issued**, a final performance management meeting, with the Manager and a Director, after a set period (normally 2 months). If performance has not improved as required, a decision will be made to dismiss on performance grounds or transfer to other duties (if available and appropriate).

7.6 In exceptional circumstances, a further review after 1 more month may be agreed by the COO/DOI at, or following the performance management meeting. This will only apply if performance has not quite reached the required level, but substantial improvement has been made and there is a realistic expectation that a satisfactory level of performance could be achieved within 1 further month.

- 7.7 It is important that performance is maintained at the required level, and that this is achieved without ongoing additional support such as close mentoring on casework.
- 7.8 For a period of 24 months following conclusion of any stage of the process and where the employees' performance is satisfactory, any subsequent lapses in performance, or cases where performance is not maintained or is maintained only because of the ongoing efforts of others, will be considered at a further performance support and development meeting. The staff member will re-enter the process at the stage they left. If they left at Stage One, they will return to Stage One. If they went through all the stages and were at the final stage when they left the process, they will resume at that stage without reverting back to earlier stages in the process. If they re-enter the process, having concluded all stages, the likely outcome of the performance support and development meeting will be to dismiss on performance grounds or, if there are clear short-term reasons for the lapse in performance and improvement is likely, a final written warning and 1 month review.
- 7.9 Where a member of staff who is undergoing this process, is absent due to sick leave or annual leave, the clock stops whilst that staff member is away and recommences when the staff member returns.
- 7.10 In cases where there is no reasonable prospect of improvement, the timescale between stages will be shortened to one month.
- 7.11 Performance will be reviewed. If performance is then at or above the required level, no further action will be taken. If performance remains below the required level, the member of staff will be dismissed on performance grounds or transferred to other duties if appropriate and available.
- 7.12 It is the policy of PSOW that, after successful completion of the probationary period, members of staff are not subjected to formal sanctions for poor performance unless they have been given a written statement of the reasons for concern and a fair hearing has been held. Staff who are dismissed after successfully completing their probationary period will be given the right to an appeal meeting.

8 Right to be accompanied

- 8.1 Staff may bring a companion to any formal performance management meeting or appeal meeting under this Procedure. The companion may be either a Trade Union representative or a PSOW colleague. Staff must tell the Manager conducting the meeting who the chosen companion is, in good time before the meeting so any potential conflict of interest can be identified and addressed.
- 8.2 A companion who is a PSOW colleague is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.
- 8.3 If a companion cannot attend on a proposed date, staff can request a postponement as long as it is not more than 5 working days after the date originally proposed. This limit may be extended by mutual agreement. The letter advising staff of the re-scheduled meeting date will make clear that the meeting will not be re-arranged a second time and that the meeting will be conducted in their absence should they or their representative be unable to attend and/or fail to attend.

9 Detailed arrangements

- 9.1 The member of staff will be notified of each performance management meeting, in writing, at least 5 working days before it is held. The member of staff will also be notified in writing of the issues of under-performance for discussion, including examples or details where appropriate and the date, time and venue of the meeting. The member of staff will also be advised that the outcome from the meeting could be the issuing of a formal written warning. The member of staff will be made aware of the right to be accompanied.
- 9.2 The member of staff must make every effort to attend the meeting as arranged. Failure to attend without good reason may be treated as misconduct in itself. If the member of staff fails to attend without good reason, or is persistently unable to do so, the Manager or Director may have to take a decision in their absence based on the available evidence.

- 9.3 If the member of staff cannot attend the meeting they must inform the Manager conducting the meeting in advance whenever possible. If staff fail to attend through circumstances outside their control and unforeseeable at the time the meeting was arranged (e.g. illness), another meeting will be arranged. The meeting will be re-arranged within 5 working days of the original date where possible.

10 Performance Support and Development Meetings

- 10.1 Performance support and development meetings will be with the Manager and (where indicated in 7.6 above), with a Director. The PSOW HRBP will also attend any formal meetings.
- 10.2 At the meeting, the member of staff's performance will be discussed. Details and examples of performance that is causing concern will be discussed and examples, details or written details will be provided as appropriate. Any informal action taken already (e.g. counselling, support, supervision, training, objective setting etc.) should be reviewed.
- 10.3 The member of staff will be asked what support or training would help them to achieve the required levels of performance.
- 10.4 A meeting may be adjourned if:
- the Manager needs to gather any further information or give consideration to matters discussed at the meeting or raised by the member of staff
 - significantly different additional issues or concerns (not just information supporting the original concern) are raised by the Manager

In the latter case the member of staff will be given a reasonable opportunity to consider the new issue before the meeting is reconvened. After the formal support and development meeting the Manager will consider the concerns and information available and decide whether to issue a formal written warning (first or final). The Manager may consult PSOW's HRBP. Where possible, the decision will be explained to the member of staff in person. The outcome may also include changes to

Appendix B

Guidelines for Performance Support and Development Meetings

Purpose of the meeting

- clarify the details of the unsatisfactory performance
- give staff an opportunity to state their case and consider any reasons for the unsatisfactory performance
- consider what help and support would assist and what can be given where appropriate, proceed with formal action.

Conduct of the meeting

- the meeting should be conducted in a constructive atmosphere. Such meetings can be stressful for staff, and the Manager should make every effort to put the member of staff at ease. Under the terms of this Policy, the meeting will be conducted as follows.

The Manager will

- introduce those present, briefly explain the purpose of the meeting, and set out the proposed format
- confirm that the member of staff has received details of the performance issues to be discussed
- the Manager will explain the concerns and refer to supporting detail as appropriate
- invite the member of staff and their companion to ask questions or comment on the concerns and evidence. They may refer to other supporting documentation
- invite the member of staff and their companion to comment further on performance and identify those areas of agreement and any aspects that are disputed

- invite the member of staff to suggest any particular support or training that would allow the member of staff to perform at the required level
- invite the member of staff or companion to set out any non-work factors that may be affecting performance
- ask any further questions of the member of staff and their companion
- the Manager and the member of staff and their companion may summarise their respective views before the meeting closes.

All parties must make every effort to resolve conflicts of evidence by asking questions at the time. Points of contention which remain unresolved must be clearly recorded.

The Manager will close the meeting.

The meeting may also be adjourned for refreshment breaks or if there is a need for either the member of staff or the Manager to confer. Facilities should be made available for a member of staff and their companion should they wish to confer in private. The meeting should then be reconvened as soon as possible.

If the member of staff, the Manager or a witness becomes rude or aggressive during the meeting, the proceedings should be suspended for a 'cooling off' period. If the member of staff, the Manager or a witness (if a witness has been requested to attend) reports for a meeting apparently unwell or under the influence of drugs or alcohol, the meeting should be postponed and reconvened as soon as possible. The record of the meeting should state the reasons for the postponement.

After the meeting

The Manager will be responsible for ensuring the preparation of a written summary/record of the meeting. The Manager should ensure the record includes all the relevant points made during the meeting by all parties. A copy of this record will be sent to the member of staff.

Decision

The Manager must ensure that there is a balanced and reasoned assessment made of all the evidence considered at the meeting, especially any points that have been raised in mitigation.

The decision should be communicated clearly, including details of further steps.

The Manager may consult the HRBP in advance, during an adjournment or after the meeting but before making a formal decision.

Any decision to dismiss or transfer to other duties (whether or not the other duties attract a lower pay range) must be made by the COO/DOI (or Ombudsman as set out in the policy).

Conveying the decision

The decision should be made fairly and as quickly as possible. Wherever possible the decision should be communicated to the member of staff orally, though the companion need not be present. If orally is not possible, the formal decision will be conveyed in writing.

In cases where the member of staff is absent as a result of illness, the Manager should consult COO/DOI. It may be appropriate for the Manager to make a home visit to the individual. The HRBP should be consulted to agree the most appropriate way to communicate the decision with the staff member.

Appendix C

Guidelines for Appeal Meeting

- The Appeal Officer will outline how the meeting is to be conducted and explain the role of those present. There will be a note-taker present.
- Member of staff/representative to set out grounds of appeal and present information or evidence in support of the appeal. Where appropriate they may set out any mitigating factors.
- The Manager (or other person whose decision is being appealed) will have the opportunity to ask questions of the member of staff / representative on the grounds of appeal and any evidence.
- The Appeal Officer (and HRBP if present) may ask questions of the member of staff/representative.
- The Manager (or other person whose decision is being appealed) will then respond to the grounds of appeal setting out his/her case, presenting any evidence and explaining why the appeal is resisted.
- The member of staff/representative will have the opportunity to ask questions of the Manager.
- The Appeal Officer (and HRBP) may ask questions of the Manager.
- The Manager (or other person whose decision is being appealed) will have the opportunity to sum up.
- The member of staff/representative will sum up their case.
- The member of staff / representative and the Manager will leave the room while the Appeal Officer considers the evidence in private, taking advice from PSOW's HRBP as appropriate.
- The Appeal Officer should consider:
 - procedural correctness
 - reasonableness of the original decision
 - if the original decision is not to be upheld, whether it would be fair to reach a different outcome and / or course of action.

- If further investigation is required, the meeting will be adjourned pending the investigation. All parties will be invited back to hear the decision. The decision will be confirmed in writing within 5 working days of the appeal meeting. A copy of the typed minutes will be sent to the staff for their records.
- If the member of staff had been dismissed and it is decided to reinstate the member of staff to the same post, normal payment will be paid from the date of dismissal to the appeal decision.
- In cases of re-engagement to another post, payment will be made at the rate of pay for the new job from the date of dismissal to the date of the appeal decision.