



Performance Review Procedure

Company Policy No: 16

Company: Direct Healthcare 24 t/a Little Steps Staffing Ltd

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Performance Review Procedure

The primary aim of this procedure is to provide a framework within which managers can work with employees to maintain satisfactory performance standards and to encourage improvement where necessary.

We recognise that there can be reasons for poor job performance other than misconduct. To deal with such problems we have this procedure and it will usually be adopted in the interests of fairness but is not contractually binding and we can dismiss you without following it.

This policy does not apply to cases involving genuine sickness absence, proposed redundancies or misconduct. In those cases reference should be made to the appropriate policy or procedure

New employees during their trial period will be liable to dismissal at any time during the trial period and the procedure will not usually be applied to them.

This procedure does not form part of any employee's contract of employment and it may be amended at any time.

Performance Review and Appraisal generally

It is a normal managerial function to monitor and evaluate an individual's performance of their job. The role of management necessarily includes taking appropriate action to ensure that employees are performing the duties that they are employed to do to the best of their abilities. Every effort will therefore be made to ensure that you have help and support when you need it. You are therefore encouraged to talk to us and ask for help if you feel that you need it.

Informal Performance Management

In the first instance, performance issues should normally be dealt with informally between you and your line manager as part of day-to-day management. Where appropriate, a note of any such informal discussions may be placed on your personnel file but will be ignored for the purposes of any future capability hearings. The formal procedure should be used for more serious cases, or in any case where an earlier informal discussion has not resulted in a satisfactory improvement.

Informal discussions may help:

- (a) clarify the required standards;

- (b) identify areas of concern;
- (c) establish the likely causes of poor performance and identify any training needs; and/or
- (d) set targets for improvement and a time-scale for review.**

Formal Procedure

(a) Capability Hearings

If we consider that there are grounds for taking formal action over alleged poor performance, you will be required to attend a capability hearing. We will notify you in writing of our concerns over your performance, the reasons for those concerns, and the likely outcome if we decide after the hearing that your performance has been unsatisfactory.

We will give you written notice of the date, time and place of the capability hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time to prepare your case based on the information we have given you.

The hearing will normally be held by your line manager or a more senior manager and will normally be attended by a member of the Human Resources Department.

You may bring a companion to any capability hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague. You must tell the manager conducting the hearing who your chosen companion is, in good time before the hearing. A companion 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.

You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct. If you fail to attend without good reason, or are persistently unable to do so (for example, for health reasons), we may have to take a decision based on the available evidence including any written representations you have made.

The aims of a capability hearing will usually include:

- Setting out the required standards that we believe you may have failed to meet, and going through any relevant evidence that we have gathered.
- Allowing you to ask questions, present evidence, call witnesses, respond to evidence and make representations.
- Establishing the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement.
- Identifying whether there are further measures, such as additional training or supervision, which may improve performance.
- Where appropriate, discussing targets for improvement and a time-scale for review.
- If dismissal is a possibility, establishing whether there is any likelihood of a significant improvement being made within a reasonable time and whether there is any practical alternative to dismissal, such as redeployment.

A hearing may be adjourned if we need to gather any further information or give consideration to matters discussed at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

We will inform you in writing of our decision and our reasons for it, usually within two weeks of the capability hearing. Where possible we will also explain this information to you in person.

If your performance does not improve, or if there is further evidence of poor performance, we may decide to hold further capability hearing. We will send you written notification as set out in above.

(b) Formal Warnings

Following a capability hearing, if we decide that your performance is unsatisfactory, we may give you one of the following formal warnings:

First Written Warning

You will be told the precise nature of the poor performance in writing, the level of performance and improvement required and a reasonable time limit for achieving that improvement and warned of the consequence of failure to achieve or maintain the improvement. If no improvement takes place this can result in further capability hearing.

Final Written Warning

If your performance is sufficiently concerning and/or negligent, or you fail to demonstrate maintained improvement following a verbal or written warning, you may be given a final written warning which will confirm that failure to improve may result in your dismissal.

Length of Warning

First written warnings will usually have a time limit of 6 months and a final written warning will usually have a time limit of 12 months. In each case we will specify the length of the warning but reserve the right to extend the length of it in appropriate circumstances. After the time limit expires, the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of any future capability proceedings.

Dismissal

You may be dismissed if your performance has not improved sufficiently within the review period set out in a final written warning; your performance is unsatisfactory while a final written warning is still active; or your performance has been grossly negligent such as to warrant dismissal without the need for a final written warning.

Dismissal will normally be with full notice or payment in lieu of notice, unless your performance has been so negligent as to amount to gross misconduct, in which case we may dismiss you without notice or any pay in lieu.

Alternative Sanctions

Where appropriate we may consider suitable alternative sanctions to dismissal including but not limited to:

- Redeploying you into another suitable job at the same or a lower grade.
- Extending an active final written warning and setting a further review period (in exceptional cases where we believe a substantial improvement is likely within the review period).

Appeals Procedure

If you feel that a decision about poor performance under this procedure is wrong or unjust you should appeal in writing, stating your full grounds of appeal, within one week of the date on which you were informed in writing of the decision.

If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful you will be reinstated with no loss of continuity or pay.

We will give you written notice of the date, time and place of the appeal hearing. The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at our discretion depending on the circumstances of your case. In any event the appeal will be dealt with as impartially as possible.

Where possible, the appeal hearing will be conducted by a manager who has not been previously involved in the case. A member of the Human Resources Department will also usually be present. You may bring a companion with you to the appeal hearing.

Following the appeal hearing we may: confirm the original decision; revoke the original decision; or substitute a different penalty.

We will inform you in writing of our final decision as soon as possible, usually within two weeks of the appeal hearing. There will be no further right of appeal.