

**POLICY ON PERFORMANCE IMPROVEMENT AND INCAPACITY DUE TO POOR PERFORMANCE**

Approved by the IkamvaYouth board on (*18 November 2016*)



**IKAMVAYOUTH**

THE FUTURE IS IN OUR HANDS

## **1. Purpose**

The purpose of this policy is to set out a fair and transparent process for identifying performance related problems early, providing the necessary support to allow an employee to improve their performance and providing a fair process in the event that the employee is unable to make the necessary improvements.

## **2. Scope**

This policy applies to all IkamvaYouth employees.

## **3. Relationship between managing performance and managing poor performance**

- 3.1. Performance management of employees is set out in the Performance Management Policy. It takes the form of ongoing, developmental management of employees, with the view to supporting each individual to achieve their potential growth within the organisation and within their personal careers.
- 3.2. Management of poor performance is required when an employee fails to respond to the normal guidance and support from their line manager.
- 3.3. Formal management of poor performance will take place in terms of this policy.

## **4. Principles**

- 4.1. Employees must know what standard of work is expected in their current position.
- 4.2. Employees have an obligation to perform according to the set standards, to the best of their ability.
- 4.3. Employees have a right to receive appropriate evaluation, instruction, training, guidance or counselling and be given a reasonable period of time for improvement.
- 4.4. The amount of support and time required before invoking a formal poor performance process may differ from position to position. The amount of time given to improve performance following the invoking of a formal process would differ in the same manner.
- 4.5. Employees have the right to be assisted by a fellow employee in any formal hearing, once the formal procedure has been invoked.

## **5. Formal procedure**

- 5.1. A line manager shall invoke a formal performance improvement process when an employee is not meeting work standards over a period of time, notwithstanding support and guidance being provided to the employee and where there is no health issue to which the sub-standard performance can be attributed.
- 5.2. The line manager shall invite the employee in writing to a meeting to discuss the performance related problems; informing the employee of their right to the assistance of a fellow employee.
- 5.3. In the meeting the line manager shall:
  - 5.3.1. Confirm which work standards have not been met, identifying the gap between actual performance and required performance;
  - 5.3.2. Confirm that the employee was aware of, or could reasonably be expected to have been aware, of the required performance standard;
  - 5.3.3. Confirm what support, guidance, assessment or training has been given to date as part of normal performance management.
- 5.4. The manager shall try to determine whether there are any underlying causes for the under-performance.
- 5.5. The manager shall set out a Performance Improvement Plan for the employee which will include:
  - 5.5.1. Reasonable time-frames for visible performance improvement to be displayed;
  - 5.5.2. Regular meeting times for follow-up discussion and feedback;
  - 5.5.3. Support to the employee to help improve their performance. Such support shall be tailored to the reasons for the under performance and shall be determined in discussion with the employee, obtaining their input on appropriate support.
- 5.6. The manager shall reach agreement, if possible, with the employee on the above - i.e. that there is a gap, that the employee understands the required standards and to the actions and timeframes contained in the performance improvement plan.
- 5.7. The manager shall ensure that the employee is aware of the consequences of failure to meet the required performance standards.
- 5.8. The manager shall ensure that the steps in the plan are followed and documented.
- 5.9. The line manager may extend the time period for required performance standards to be achieved, where sufficient progress has been displayed.

## **6. Demotion or Termination of services**

- 6.1. Should an employee's performance fail to improve to the required standards during the course of the Improvement Plan or any extended period, the line manager may consider recommending termination of services due to Incapacity Poor Performance.
- 6.2. The Human Resources Department shall assist the line manager in appointing a Chairperson to consider the matter.
- 6.3. The employee shall be informed, in writing, of a hearing to consider the termination of their services due to incapacity, poor performance and of their right to the assistance of a fellow employee.
- 6.4. The line manager shall present to the chairperson:
  - 6.4.1. The required performance standards which the employee is failing to meet;
  - 6.4.2. The steps taken both before and after the invoking of this Policy;
  - 6.4.3. The outcome of the Performance Improvement Plan and process.
- 6.5. The Chairperson shall determine:
  - 6.5.1. whether or not the employee failed to meet a performance standard; and
  - 6.5.2. if the employee did not meet a required performance standard whether or not the employee was aware, or could reasonably be expected to have been aware, of the required performance standard;
  - 6.5.3. whether the employee was given a fair opportunity to meet the required performance standard and
  - 6.5.4. whether dismissal is an appropriate sanction for not meeting the required performance standard.
- 6.6. The Chairperson may consider, in consultation with the HR Department, whether demotion into a more junior position is an appropriate option. This would depend on:
  - 6.6.1. The underlying reasons for the poor work performance;
  - 6.6.2. The post occupied by the employee;
  - 6.6.3. The availability of an appropriate, funded, more junior position;
  - 6.6.4. The suitability of this employee's skills with respect to the alternative position
  - 6.6.5. The agreement of the employee.
- 6.7. In the case in an employee on probation, the Chairperson making a decision about the fairness of a dismissal of an employee for poor work performance during or on expiry of the probationary period ought to accept reasons for dismissal that may be less compelling than would be the case in dismissals effected after the completion of the probationary period.

- 6.8. The Chairperson shall provide the employee with a written outcome to the hearing, setting out reasons for the decision and shall also advise the employee of their rights to refer the matter to the CCMA.
- 6.9. The Chairperson shall provide the HR Department with a copy of the outcome.