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**“Working to Empower the Community”  
in Lancashire and Cumbria**

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## **Responding To Misconduct Or Underperformance**

1. This paper sets out some of the key elements of good management practice in responding to staff who are perceived to be underperforming or not conducting themselves properly. It is not intended to be comprehensive. It does not, for instance, deal with identifying causes or with ‘remedial’ support or training. The paper is concerned primarily with fair management action prior to or during disciplinary proceedings.
2. The manager should;
  - a) set general expectations clearly;
  - b) tell the staff member of dissatisfaction;
  - c) set future targets clearly;
  - d) identify how performance will be monitored;
  - e) agree measures to support changed behaviour;
  - f) identify consequences of failure to improve;
  - g) review the situation periodically.

Set out below is short explanation of each point.

### 3. Expectations

All staff should know what is expected of them. This should be expressed clearly enough for the job to be ‘do able’; this may mean more precisely for some staff than others. Ideally all work should relate to the Key Tasks of a Job Description, which has been agreed with the staff member.

### 4. Identify Unsatisfactory Performance

It is important at an early stage to inform staff if it is the view of the manager that their performance or conduct is unsatisfactory. This is best done, in the first instance, in a regular supervision session in such a way that the staff member is able to recognise their shortcomings.

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5. Setting Targets

Having identified the underperformance, it is appropriate to re-establish the general expectations that are relevant and to set targets for future performance or conduct. The agreement of the staff member should be sought to these targets and the manager should be sure that they are realistic.

6. Monitoring

In order to judge whether performance has improve it must be monitored. Monitoring should also help the staff member to change; they should be informed as to how this will be done.

7. Support

In order to change a staff member will require support and/or training. It is important that every effort is made to seek and gain he staff member's agreement and commitment to the support arranged; this should be negotiated with them.

8. Consequences

Staff need to know the potential consequences of different courses of action. This does not mean that they should be threatened but that the consequences of failure to improve should be known to them.

9. Review

Changes in performance should take place within a known timescale. Dates for periodic review should be set. Staff should be told when their performance continues to be unsatisfactory or has improved. They should know when the process has ended.

10. These aspects of management practise should apply whether or not the performance or conduct is likely to lead to disciplinary action. How formally each aspect is dealt with will depend on the circumstances; if disciplinary action is possible or likely it is safer to err on the side of formality. Notes should be kept.

11. The points above can be summarised and emphasised by imagining the representative of the staff member asking the following questions at or prior to a disciplinary hearing:

- a) How was he / she to know what was expected?
- b) When and how did you tell him / her you were dissatisfied?
- c) What targets were then set?
- d) How was performance to be monitored?
- e) How were you going to support him / her?
- f) When did you spell out the consequences of not changing?
- g) How was the situation reviewed?

Source: YCS Administrative Handbook Page B27

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