

FIRE SERVICE EXAMINATION BOARD STUDY NOTE

EXAMINATION	SUB-OFFICERS EXAMINATION
PAPER	HUMAN RESOURCE MANAGEMENT
SUBJECT	EMPLOYMENT
ITEM	PROCEDURE RELATING TO PERFORMANCE
STUDY NOTE No.	2303

INTRODUCTION TO THE STUDY NOTE

This study note has been prepared as the basis of study in connection with the qualifying examinations for promotion.

Candidates will be expected to demonstrate knowledge of the information contained in the study note and understand how it should be applied:

The 'References' made at the end of the Study Note are included for information only and candidates will not be expected to study these as part of the bibliography.

PROCEDURE RELATING TO PERFORMANCE

1. Introduction

The purpose of this study note is to provide a fire service Sub-Officer with a clear understanding of the procedure to adopt in cases where an employee's unacceptable level of performance is attributable to a lack of capability.

The subject of capability in relation to an employee's ability to perform the work for which they have been contracted is covered by the Employment Rights Act 1996.

When it becomes apparent to the Sub-Officer that an employee's performance at work is at an unacceptable level, a failure to deal with it properly could effect the work standards of others.

If that employee's poor performance were attributable to wilful conduct or attitude, the discipline procedure under the Fire Services Discipline Regulations would be appropriate. However if it is genuinely believed that the performance is less than satisfactory for reasons connected with:

- (a) skill,
- (b) aptitude,
- (c) health, or
- (d) any other physical or mental qualities

then, this may be a result of lack of capability and should be dealt with accordingly, without recourse to The Fire Services Discipline Regulations.

2. Capability

When it is recognised that an unacceptable level of performance at work is evident (lack of capability), then the primary objective should be to assist the employee to improve to the required standard.

A failure to deal with it correctly can effect other employees who may become disillusioned and dissatisfied, and their own work standards decline. Thus, the obvious consequences could have disastrous effects on the communities that are served, as would the temptation to ignore a subordinate's lack of competence just because they are colleagues or maybe friends!

Only if discussions, training, counselling and other methods used for improving skill or aptitude (as far is reasonably practical) fail to produce the required improvement over a reasonable time frame is dismissal for lack of capability likely to be the outcome.

3. Initial stages

If a Sub-Officer in the course of their duty, identifies instances of poor performance by an individual due to a lack of capability, an informal discussion should take place between the Sub Officer and that individual. This discussion should focus in particular on the following areas:

- (a) Inform the individual of their shortcomings and standards expected.
- (b) Give the individual the opportunity to respond, explain shortcomings and put forward any mitigating factors.
- (c) There will be a need to monitor future performance.
- (d) If appropriate, remedies such as additional training, counselling etc should be agreed upon, it should be made clear over what period the performance will be assessed.
- (e) An informal note should be made of the date, time and conclusions reached for use later if the need arises.
- (f) Information relating to the outcome of the interview should be passed to the line manager.

It is good practice to provide an unsatisfactory employee with direct supervision by someone skilled in the work which the employee has been employed to do. In this way the employee can be made more aware of the demands of the job and will have a good example against which to compare their performance.

If the employee fails to improve, the employer will have fulfilled another step in the process of being fair and reasonable. They will also receive from the skilled employee, assessments of the reasons for the employee's poor performance, and the possibility of the prospects for eventual improvement.

Following periods of assessment, it is considered beneficial for the officer to make notes on the individual's performance, which would assist in any further developments.

The Sub-Officer's role in the preliminary interview and subsequent overview of performance will be to attempt to rectify constructively the employee's lack of capability.

If at any time during this initial stage the employee concerned improves their performance to such an extent that their capability for doing the work is no longer in question, the employee should be informed in writing.

If it is considered that the employee has failed to meet and sustain a satisfactory standard at the end of the assessment period, then it should be reported to the station commander / line manager.

4. Further Stages

On the receipt of such a report the Station Commander/Line Manager will need to consider the appropriate course of action which should include that a second period of assessment is required. To implement this the station commander/line manager will arrange to interview the employee and the employee may wish to be accompanied by a colleague or trade union representative at this stage.

At this level of proceedings, the officer concerned should follow the process as previously explained under the heading of 'initial stages'.

If failure to meet the required standards of improvement continues, the following procedure will be appropriate:

- (a) Formal interview with senior officer - first written warning
(Third period of assessment)
- (b) Formal interview - final written warning
(Fourth period of assessment)
- (c) Dismissal

The procedures outlined above set out the fundamental stages in dealing with the problem of capability and performance.

References:

Employment Rights Act 1996