



FORMAL PERFORMANCE IMPROVEMENT PROCEDURE (FPIP) - END TO END USER GUIDE

Version 2.0

INTRODUCTION

This user guide should be read in conjunction with HR policy [10.01 Performance Management](#), section 8. It sets out the process that will be followed if performance is subject to the formal performance improvement procedure as a result of an "Unsatisfactory" rating in a Performance Review or Probation Review with a start date on or after **1 April 2019** (with the exception of those where the end date of the review falls within the lifespan of a written warning or final written warning issued under HR policy 6.07 Inefficiency Performance – see Note below). It also covers the various roles carried out by line management and, where applicable, by NICSHR.

NOTE: Performance management cases initiated by an unsatisfactory Performance (or Probation) Review with an end date on or before **31 March 2019** will be managed under the arrangements in the Inefficiency Performance policy until all relevant action under that policy has been concluded.

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HANDLING PERSONAL DATA GUIDANCE

All employees who process personal data as part of their job have a legal obligation to protect the information they handle.

As a manager engaging with the formal performance improvement procedure you will be handling personal data. The guidance that follows is designed to supplement existing departmental records management policies and guidance. If you have any doubt about the handling of personal data, you should ask your Local Information Manager or Business Area Information Manager (BAIM).

It is important to remember the following points:

- All information you hold in connection with the formal performance improvement procedure should be **specifically required for the management of this procedure**.
- Information you hold about the Jobholder for the purposes of this procedure is **discoverable**.
- Information you hold about the Jobholder, which you have not already shared with them as part of this process, may be subject to release should the individual submit a **subject access request**.

You must ensure that

- you comply with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA);
- you have completed your mandatory training for the handling of personal data; and
- you store all documents containing personal information in a secure environment.



This guidance has been written for the majority of NICS staff who have access to HPRM.

More information on the principles of record management can be found in the following:

- your departmental Records Management policy
- your departmental Guide to Physical Document and IT Security.

Where HPRM is not available, please use your established departmental records management system and seek further guidance from your departmental information management team where required.

Storing formal performance improvement casework information using HPRM

- For casework management purposes, the Stage One Decision Officer should arrange for an HPRM container to be opened in their relevant Departmental Fileplan. The filepath is:

Human Resource Management – Employee Performance - Performance Management [*Division/Branch Name*].

- The following naming convention should be used for the HPRM casework container:

[*Name of Jobholder /20xx/20xx Reporting Year /Formal Performance Improvement Procedure*]

- If asking an HPRM Power User to open a casework container, decision officers must remind Power Users to exercise discretion when creating such containers and be mindful of their role as a Power User.
- The decision officer must ensure that the appropriate access controls are applied to the HPRM casework container. Initially, this will be limited to the Reporting Officer (RO) and the Countersigning Officer (CO). (Access to the HPRM casework container will need to be amended if the case progresses to involve the Next Line Manager, appeals officers, or NICSHR; the Stage One or Stage Two Decision Officer handling the case will be responsible for making these arrangements.)
- As this HPRM container is for the management of the formal performance improvement case, the Jobholder should **not** be included in the overall access control.

Creating, amending or saving information

- This procedure is supported by a number of forms, memos and letters which must be used in the management of all cases. This user guide clearly directs when to use these documents, all of which have been developed in line with the principles of GDPR.
- Alternatives to the template documents should **NOT** be created.

- Correspondence created in the management of this formal procedure should be saved in the appropriate HPRM casework container by the author.
- Drafts may be prepared in off-line records but must be saved into HPRM to be finalised. (To finalise a document, right click on the document and select 'Properties', check the box 'Declare as Final after Saving'.)
- If you issue additional correspondence for purposes such as collating information, making alternative arrangements, replying to queries etc. these should be saved in the HPRM casework container where you may need a record of the exchange.

Sending information

- For the purposes of this procedure, most information will be sent electronically. Remember to **double check the e-mail address is correct before sending**. (Refer to section headed "Sending information to HRConnect" where applicable.)
- When sending documents via e-mail, ensure an HPRM link is attached. **Do not attach a Word version**. Sending documents as an HPRM link is a more secure method of sending personal data because of the access controls attached to those links.
- It is good practice to send key documents such as meeting invitations, final records of meetings and decision/appeal outcomes using the HPRM "Check In on Send" function. This will help to ensure that a record of action taken is stored in the HPRM casework container.
- HPRM links sent will inherit the access control of the HPRM container. Access control for documents issued to the Jobholder should be therefore be amended to ensure the Jobholder has 'View Document' access.
- When sending documents by hard copy (in cases where e-mail is unavailable) ensure these are appropriately sealed and marked. Where possible, hand-deliver.
- Information in relation to this formal procedure has an OFFICIAL security marking, in other words, the default setting for the e-mail system.
- Do not send documents attached to diary entries or meeting requests as these may be viewed by third parties.

After **receiving** information

- E-mails and documents should be saved into the appropriate HPRM casework container by the author.
- If a document is received as an HPRM link there is no need to save the document again.
- Think before you print! Only print if it is required as a working document. All duplicate hard copy documents must be safely stored at all times in a secure cabinet with restricted access and disposed of appropriately as soon as no longer required, that is, shredded or put in a secure waste bin.

Sending information to HRConnect

- All relevant information must be sent to HRConnect who will retain the official record for the case. This user guide, and the associated memo/letter templates, will advise you when to send information to HRConnect during, and at the conclusion of, this procedure.
- When sending information **to be attached to a Jobholder's personal file**, enter "[Employee number] FPIP case documentation" in the Subject line of the email and use the appropriate e-mail address from the list below.

NICS (Non Industrial): NICS@HRConnect.nigov.net

NICS (Industrial): Industrial@HRConnect.nigov.net

DOJ/PPS: NIO@HRConnect.nigov.net

Retention/disposal of the HPRM casework container

- The Stage One/Stage Two/Final Stage Decision Officer (as applicable) must arrange for the HPRM casework container to be closed on completion of the formal performance improvement case (including appeals). A case will be considered 'closed' if:
 - no formal action has been taken (in other words, no written warning has been issued) and the Jobholder has returned to normal performance management arrangements; or

- the warning period associated with a written warning or final written warning has expired; or
- the Jobholder has been dismissed or left the service.
- Once the HPRM casework container is closed, it will be retained for the relevant period agreed in the Department's retention and disposal schedule.

Access to HPRM casework container

- Only those managers currently responsible for dealing with the formal performance improvement procedure should have access to the HPRM casework container.
- Where a manager is no longer involved in an ongoing performance improvement case, they must ensure their access to the relevant HPRM casework container is removed and the new manager is given access. If the manager does not have Power User access, they should contact their Departmental Information Management team to make arrangements for amending access control.

Sharing HPRM casework container access with NICSHR

- Only applies at Final Stage: Consideration of Dismissal. The Final Stage Decision Officer in NICSHR will require access to the HPRM casework container. This should be arranged via a Power User or your Departmental Information Manager.

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STAGES OF THE FORMAL PERFORMANCE IMPROVEMENT PROCEDURE

For most staff, (with the exception of those who are serving a probation period or who have been appointed on a temporary or fixed-term contract), the formal performance improvement procedure is characterised by **three stages**.

STAGE ONE	Consideration of a written warning (see paragraphs 8.2.1 to 8.2.14 of HR policy 10.01 Performance Management for full details).
STAGE TWO	Consideration of a final written warning (see paragraphs 8.3.1 to 8.3.14).
FINAL STAGE	Consideration of dismissal (see paragraphs 8.4.1 to 8.4.5).



Procedural variations applicable to probationers and temporary/fixed-term contracts

If the Jobholder is serving a probation period, or has been appointed on a temporary or fixed-term contract, **stage two above will not apply**. Stage one of the procedure will be consideration of a 'first and final' written warning.

If the Jobholder's performance has not reached a satisfactory standard by the end of stage one, they will progress to the final stage, (see paragraphs 8.5.1 and 8.5.2 of HR policy 10.01 Performance Management for details).

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ROLE DEFINITIONS

The definitions for roles such as ‘Stage One Decision Officer’, ‘Stage Two Decision Officer’ etc) are found in paragraph 8.1.5 of HR policy [10.01 Performance Management](#).



These definitions outline the managers who will normally act as decision and appeals officers during this process. There may be occasions when it will be necessary for the **next level of manager within the Jobholder’s line management structure** to act in the role of decision officer or appeal officer, for example, in cases where the Reporting Officer is not EO2 or above (for industrial staff) or where an extended absence of a manager would delay consideration of action required under this formal procedure.

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STAGE ONE: CONSIDERATION OF WRITTEN WARNING

STEP 1

Stage One Decision Officer

Invite the Jobholder to a stage one meeting.

Within five working days of the Jobholder providing feedback on their Performance Review if they choose not to dispute the unsatisfactory rating (or, if the Jobholder invokes the Performance Review Report Appeals Procedure in the Performance Management policy, within five working days of the outcome of their appeal), you must invite the Jobholder to attend a meeting with you under stage one of the formal performance improvement procedure (“the stage one meeting”).

You must

- Consider whether any special arrangements are required under a reasonable adjustment (DDA).
- Consider whether you require a note-taker for the meeting (see information below).
- Arrange for an HPRM container to be opened for the casework documents (see [Handling Personal Data Guidance](#) for more information).
- Prepare memo [FPIP S1: 1 Stage one meeting invitation](#) (or memo [FPIP S1: 1.1](#) if the Jobholder is a probationer or is employed on a temporary or fixed-term contract).
- Issue memo **FPIP S1: 1** or **FPIP S1: 1.1** (as applicable).
- Ensure that you copy memo **FPIP S1: 1** or **FPIP S1: 1.1** (as applicable) to the Countersigning Officer for information (or, where you are the Countersigning Officer, to the Reporting Officer).



If you require a note-taker, you should ensure there is no apparent conflict of interest. For example, is that person a member of the Jobholder's staff or likely to be involved if further action is required under this procedure?

Refer to the [Handling Personal Data Guidance](#) at the start of this User Guide for information on creating, storing and sharing the invitation memo.

STEP 2**Countersigning Officer**

Receive copy of invitation to stage one meeting for information.



In cases where the Countersigning Officer is the Stage One Decision Officer, the Reporting Officer will receive a copy of the invitation memo (**FPIP S1: 1** or **FPIP S1: 1.1** as applicable) for information.

STEP 3**Jobholder**

Receive invitation to stage one meeting following an unsatisfactory Performance Review.

You will receive an invitation to a stage one meeting, normally within five working days of providing your feedback on your Performance Review if you have chosen not to dispute the unsatisfactory rating (or, if you invoke the Performance Review Report Appeals Procedure, within five working days of the outcome of your appeal). This is a formal meeting with the Stage One Decision Officer, under stage one of the formal performance improvement procedure, to discuss your unsatisfactory performance before they decide whether it is appropriate to give you a written warning.

The invitation (**FPIP S1: 1** or **FPIP S1: 1.1** as applicable) will include the following:

- the date, time and venue of the meeting
- the purpose of the meeting
- who will attend the meeting (including the name of the note-taker, if applicable)
- details of your right to be accompanied at the meeting.

STEP 4**Jobholder**

Reply to invitation to stage one meeting.

After you receive the stage one meeting invitation, you should follow the instructions given and reply to the Stage One Decision Officer by return.

You are required to take all reasonable steps to attend the meeting (see paragraph 8.8.1 of HR policy [10.01 Performance Management](#)) but if there are good reasons why you cannot attend, eg illness or a family emergency, you should immediately ask for the meeting to be rearranged.

You should think about whether you want someone to come with you to the meeting. You have the right to be accompanied at the meeting by a trade union official or a work colleague of your choice. If you have chosen to be accompanied

at the meeting, you must provide details of your companion when replying to the invitation. If your chosen companion cannot attend on the proposed date, you may suggest an alternative date and time so long as it is reasonable and is no more than five working days after the date originally proposed.

If you fail to attend the rearranged meeting without good reason, the Stage One Decision Officer may, where it is reasonable to do so, proceed to make a decision on your case based on the information available to them.

STEP 5

Stage One Decision Officer

Receive Jobholder's response to stage one meeting invitation.

You must

- File the Jobholder's response to the stage one meeting invitation (refer to the [Handling Personal Data Guidance](#)).
- If applicable, rearrange the meeting and notify the Jobholder accordingly. You should do so in an e-mail referring to the original invitation.
- Consider, in exceptional circumstances, any request by the Jobholder to be accompanied by an individual who is not a work colleague or a trade union official.

The Jobholder is required to take all reasonable steps to attend the meeting (see paragraph 8.8.1 of HR policy [10.01 Performance Management](#)) but if there are good reasons why they cannot attend, eg illness or a family emergency, they should contact you to ask for it to be rearranged.

If the Jobholder's chosen companion cannot attend, they may suggest an alternative time and date for the meeting so long as it is reasonable and is no more than five working days after the date originally proposed.

If the Jobholder fails to attend the rearranged meeting without good reason, you may, where you decide it is reasonable to do so, proceed to make a decision on the case based on the information available to you.

STEP 6

Stage One Decision Officer

Prepare for stage one meeting with Jobholder.

In preparation for the stage one meeting you should gather all the relevant documents. These will include the following:

- the Jobholder's unsatisfactory Performance Review
- notes of all informal performance improvement discussions held during and after the period covered by the Performance Review, in other words, all

completed **PM2 - Note of informal performance improvement discussion** forms)

- their current PPA/PDP
- a blank copy of form [FPIP 2 Stage one meeting - record of meeting](#) or form [FPIP 2.1 Stage one meeting - record of meeting \(Prob/Temp/FTC\)](#) as applicable.

You must use the **FPIP 2** form (or **FPIP 2.1** for probationers or temporary/fixed-term contracts) to help you plan and prepare for the meeting.

The purpose of the stage one meeting is to decide whether or not you should issue a written warning due to unsatisfactory performance. This meeting is not for the Jobholder to dispute the “Unsatisfactory” performance rating which they will have had the opportunity to disagree with and formally appeal.

Remember that you are required to prepare a written summary of the stage one meeting so it will be necessary to take notes during the meeting. You should do this yourself or if required, invite an additional person to attend specifically to take notes.

If a note-taker will be present, it is essential that you explain to the note-taker in advance that anything discussed/recorded at the meeting is confidential.



Where you consider it necessary to invite a note-taker to be present at the stage one meeting, it remains your responsibility to ensure that the written record of the meeting is issued to the Jobholder and saved securely.

STEP 7

Jobholder

Prepare for stage one meeting.

The purpose of this meeting is **not** to dispute the “Unsatisfactory” performance rating which you will have had the opportunity to disagree with and formally appeal. The purpose of this meeting is to determine whether you should receive a written warning. At the stage one meeting you will be given the opportunity to present any information or evidence in mitigation that you wish to have considered before the decision on whether or not to give you a written warning is made.

Before the meeting you are advised to familiarise yourself with the formal performance improvement procedure (Section 8 of HR policy [10.01 Performance Management](#)) and to ensure that you have copies of all relevant documents.

These will include the following:

- your invitation memo (**FPIP S1: 1** or **FPIP S1: 1.1** as applicable)
- your unsatisfactory Performance Review

- notes of all the informal performance improvement discussions your Reporting Officer held with you during and after the period covered by the unsatisfactory Performance Review (in other words, completed **PM2- Note of informal performance improvement discussion** forms)
- your current PPA/PDP.

If you do not have any of these documents, you should ask your Reporting Officer to provide you with a copy.

To help you make sure that you raise all the issues you want to, it is a good idea to prepare a note of what you are going to say. You should also think about what evidence you have to support the points you plan to make, for example, e-mails or other documents.

STEP 8

Stage One Decision Officer

Conduct stage one meeting.

Make sure that you follow the guidance/instructions in the **FPIP 2 Stage one meeting – record of meeting** form (or **FPIP 2.1**, if applicable) that you used to prepare for the meeting.

STEP 9

Jobholder

Attend stage one meeting.

The Stage One Decision Officer will begin by explaining the format of the meeting.

At the meeting the decision officer will give you the opportunity to present any information or evidence in mitigation that you feel is relevant to the decision on whether or not to give you a written warning.

If you have chosen to be accompanied, see paragraph 8.6.2 of policy [10.01 Performance Management](#) for further information on the role your companion may play in the meeting.



You will be provided with a written summary of the stage one meeting so it will be necessary for the decision officer (and/or a note-taker) to take notes during the meeting.

STEP 10

Stage One Decision Officer

Provide Jobholder with draft written summary of stage one meeting.

You must ensure that the draft written summary of the meeting is completed on the **FPIP 2 Stage one meeting – record of meeting** form or **FPIP 2.1** form (as applicable) and is issued to the Jobholder no later than five working days after the stage one meeting takes place.

You should request that the Jobholder checks that the draft written summary accurately reflects the meeting and that they reply to you with either their agreement or any factual amendments within five working days. You should also advise the Jobholder that if they do not reply by the given deadline, the draft written summary will be taken as agreed.

Remember to refer to the [Handling Personal Data Guidance](#).



If you have used a note-taker, you should review the draft written summary of the meeting prior to issuing it to the Jobholder.

STEP 11

Jobholder

Receive draft written summary of stage one meeting and reply to Stage One Decision Officer.

The Stage One Decision Officer will issue the draft written summary of the meeting to you on form **FPIP 2** or **FPIP 2.1** (as applicable) within five working days of the meeting taking place.

When you receive the draft summary of the meeting, you should check it and decide whether you are content that it accurately reflects the meeting. You must then reply in writing to the Stage One Decision Officer within five working days of receiving the draft summary of the meeting to

- a) agree the summary or
- b) provide details of any factual amendments you require.

If you fail to reply to the Stage One Decision Officer by the given deadline, the draft written summary will be taken as agreed.

STEP 12**Stage One Decision Officer****Receive Jobholder's feedback on draft summary of stage one meeting.**

The Jobholder must reply to you in writing within five working days of receiving the draft summary of the meeting to

- a) agree the summary or
- b) provide details of any factual amendments that they require.

If the Jobholder does not reply by the given deadline, the draft written summary should be taken as agreed.

a) Jobholder has agreed the summary

If the Jobholder has agreed the draft summary of the stage one meeting, you must now finalise the summary of the meeting. This will become the written record of the meeting.

b) Jobholder has suggested amendments

If the Jobholder has requested factual amendments to the draft summary of the meeting, you must consider each of their suggested amendments and decide whether to make the change.

If you do not agree with all of the Jobholder's suggested amendments, you must append the comments provided by the Jobholder to the summary of the meeting. After doing so, you will then finalise the summary and appended comments to create the written record of the meeting.

Remember to refer to the [Handling Personal Data Guidance](#).



The draft summary/handwritten notes from the meeting should be destroyed once the written record is agreed by the Jobholder. In cases where there is no agreement (in other words, where comments are appended or where the Jobholder has not replied before the written record is issued), original notes should be scanned and retained with the rest of the case documentation in HPRM. Once scanned and saved they can be destroyed.

STEP 13**Stage One Decision Officer****Issue written record of stage one meeting to the Jobholder.**

After you have finalised the summary of the stage one meeting, you must ensure a copy of the written record of the meeting (in other words, the completed **FPIP 2** or **FPIP 2.1** form plus appended comments from the Jobholder if applicable - see Step 12) is securely issued to the Jobholder for information as soon as possible but within no more than five working days.

Remember to refer to the [Handling Personal Data Guidance](#).

i The written record of the stage one meeting must have been sent to the Jobholder before you issue the outcome of the meeting.

STEP 14 **Jobholder**
Receive written record of stage one meeting from Stage One Decision Officer.

The Stage One Decision Officer will send you a copy of the written record of the stage one meeting (in other words, the completed **FPIP 2** or **FPIP 2.1** form plus appended comments if applicable) for information.

STEP 15 **Stage One Decision Officer**
Consider all relevant information and evidence before making decision on whether to issue written warning to the Jobholder.

After the written record of the stage one meeting with the Jobholder has been issued, you must consider all the information and evidence available to you and decide whether

- a) a written warning is not justified and so no formal action should be taken against the Jobholder under the formal performance improvement procedure at this time; or
- b) a written warning should be issued.

i You are reminded of the need to be mindful of your obligations under the Disability Discrimination Act (DDA) including where appropriate, consideration of any necessary reasonable adjustments. If in doubt, you should seek advice from NICSHR Employee Relations.

Download a copy of form [FPIP 3 Stage one meeting – record of decision](#) (or form [FPIP 3.1](#) for probationers and temporary/fixed-term workers).

It is essential that you record the reasons for your decision using the FPIP 3 or FPIP 3.1 form (as applicable).

Whether or not you decide to issue a warning to the Jobholder, you will need to evidence and clearly explain why you made your decision. If you decide to issue a written warning, you must also determine the length of the stage one trial period that must be completed by the Jobholder. This will be a minimum of four weeks and should normally be no more than three months.

You must ensure that the length of the stage one trial period is reasonable in the circumstances and must give the Jobholder adequate time in which to demonstrate the required improvement in their performance. Considerations may include, for example, the availability of required training/support or the degree of improvement required.

STEP 16

Stage One Decision Officer

Prepare and issue appropriate stage one decision outcome to the Jobholder.

No formal action

If your decision is that no formal action should be taken under the formal performance improvement procedure:

- prepare outcome memo [FPIP S1: 2 – Stage one meeting outcome- no formal action](#);
- issue outcome memo **FPIP S1: 2**;
- send all documents in the HPRM casework container to HRConnect to be attached to the Jobholder's personal file (or if you are not the Reporting Officer, instruct the Reporting Officer to do so); and
- arrange the closure of the HPRM casework container – see [Handling Personal Data Guidance](#).

Written warning

If your decision is to issue a written warning:

- prepare the appropriate outcome memo - [FPIP S1: 3 Stage one meeting outcome – written warning](#) (if the Jobholder is a permanent member of staff); [FPIP S1: 3.1 Stage one meeting outcome – written warning - probationer](#) (if the Jobholder is a probationer); or [FPIP S1: 3.2 Stage one meeting outcome – written warning – temporary/fixed-term worker](#) (if the Jobholder is employed in a temporary or fixed-term contract but is not a probationer);
- issue outcome memo;
- inform HRConnect that a warning has been issued using form [FPIP 5 - Form to register written warnings/dismissal/appeal action](#); and
- arrange a meeting with the Jobholder to put a Performance Improvement Plan (PIP) in place – see Step 20 (or if you are not the Reporting Officer, instruct the Reporting Officer to do so).



If you are issuing outcome memo **FPIP S1: 2**, it must be copied to the Countersigning Officer (or, if you are the Countersigning Officer, to the Reporting Officer) for information.

If you are issuing outcome memo **FPIP S1: 3**, **FPIP S1: 3.1** or **FPIP S1: 3.2**, it must be copied to:

- the Countersigning Officer (or, if you are the Countersigning Officer, to the Reporting Officer);
- the Stage One Appeal Officer; and
- HRConnect.

Remember to refer to the [Handling Personal Data Guidance](#).

STEP 17

Jobholder

Receive decision from Stage One Decision Officer.

The Stage One Decision Officer will issue their decision to you in writing as soon as possible but no later than 10 working days after the written summary of the stage one meeting has been finalised.

If you have received a written warning (in other words, outcome memo **FPIP S1: 3**, **FPIP S1: 3.1** or **FPIP S1: 3.2**), your Reporting Officer will arrange to meet with you to put a Performance Improvement Plan (PIP) in place to address the performance issues in the warning. This meeting will take place as soon as possible after the written warning has been issued, but normally within no more than five working days.

If you believe that you have valid grounds to appeal the warning, see paragraphs 8.10.1 and 8.10.2 of HR policy [10.01 Performance Management](#)), and follow the instructions contained in the memo. For more information see [Appeal against a warning](#) within this User Guide.



If you choose to appeal the warning, the appeals process will continue in parallel with any ongoing action under this procedure.

STEP 18

Countersigning Officer

Receive copy of decision from Stage One Decision Officer for information, if applicable.

STEP 19 *Reporting Officer*

Receive a copy of decision (if you were not the Stage One Decision Officer).

If the Stage One Decision Officer has issued a 'no formal action' memo (memo **FPIP S1: 2**), you must now send all documents in the HPRM casework container to HRConnect to be attached to the Jobholder's personal file.

If the Stage One Decision Officer has issued a written warning (memo **FPIP S1: 3**, **FPIP S1: 3.1** or **FPIP S1: 3.2**, as applicable), they will also instruct you to arrange to meet with the Jobholder to put a Performance Improvement Plan in place.



If the Jobholder chooses to appeal the warning, the appeals process will continue in parallel with any ongoing action under this procedure.

STEP 20 *Reporting Officer*

Arrange to meet with the Jobholder if you are required to put a Performance Improvement Plan (PIP) in place.

As soon as possible after the written warning has been issued (normally within no more than five working days), you must arrange to meet with the Jobholder to put in place a PIP to address the performance issues for which they have received the warning.

STEP 21 *Reporting Officer*

Prepare for PIP meeting with Jobholder.

Download a copy of the [FPIP 1 - Performance Improvement Plan \(PIP\)](#) form and complete the details on page 1.



“PIP Start Date” – This is the date the PIP is put in place following the meeting at Step 22.

“PIP End Date” – This is the date the PIP is closed in cases where the Jobholder has reached a satisfactory standard of performance **following a trial period**.

The purpose of the **FPIP 1** (PIP) is to document the serious areas of concern about the Jobholder's work performance that have resulted in the written warning being issued, restate the standard of performance expected and allow them the opportunity to demonstrate improvement and commitment.

Follow the guidance in the **FPIP 1** (PIP) form to prepare for the meeting. The areas of concern will have been set out in the Jobholder's written warning.

The **FPIP 1** (PIP) should include specific improvement objectives to address these areas of concern and list the actions and/or activities that are required to address these. You are therefore encouraged to consider these in advance of meeting with the Jobholder.

STEP 22 *Reporting Officer*

Meet with Jobholder to put PIP in place.

Briefly explain the reason for the meeting, the purpose of the PIP and then complete Section 1, Part A of the **FPIP 1** (PIP) form.

You should aim to agree the improvement objectives in the PIP with the Jobholder. However, if agreement cannot be reached, you should request assistance from the Countersigning Officer - see [Disagreement over Improvement Objectives in PIP](#) in this User Guide and paragraphs 8.9.1 to 8.9.2 of HR policy [10.01 Performance Management](#).

STEP 23 *Jobholder*

Meet with Reporting Officer to discuss and agree improvement objectives for PIP.

As soon as possible after the written warning has been issued, but normally within no more than 5 working days, your Reporting Officer will arrange to meet with you to put in place a Performance Improvement Plan (PIP), using the **FPIP 1 - Performance Improvement Plan (PIP)** form, to address the performance issues for which you have received the warning.

If you believe that you have valid grounds for disagreeing with the improvement objectives that your Reporting Officer includes in Section 1, Part A of the **FPIP 1** (PIP), you should set out your reasons clearly in writing to the Reporting Officer - see [Disagreement over improvement objectives in PIP](#).

STEP 24 *Reporting Officer*

Provide Jobholder with a copy of the PIP.

You must provide the Jobholder with a copy of their **FPIP 1** (PIP) after Section 1, Part A has been completed.

The **FPIP 1** (PIP) is a living document which will be reviewed and updated during and at the end of the stage one trial period.



When meeting to review the Jobholder's **FPIP 1** (PIP) during the trial period, you may wish to use a hard copy to aid discussion. However, a master copy should be stored securely in the HRPM casework container and should reflect all updates made during the trial period. Each time the master copy is updated, any earlier hard copy records should be destroyed.

Remember to refer to the [Handling Personal Data Guidance](#) at the start of this User Guide.

STEP 25

Jobholder

Receive copy of the PIP.

After the meeting at Step 23, your Reporting Officer will provide you with a copy of the **FPIP 1** (PIP).

STEP 26

Reporting Officer

Meet with the Jobholder throughout the stage one trial period to review progress against the performance improvement objectives in the PIP.

You should arrange to meet with the Jobholder on a weekly or fortnightly basis to review their progress against the performance improvement objectives in the **FPIP 1** (PIP). The frequency of these reviews will have been determined when the PIP was put in place.

You must complete Section 1, Part B of the **FPIP 1** (PIP) form at each progress review meeting with the Jobholder during the trial period and provide the Jobholder with a copy of the updated **FPIP 1** (PIP).

STEP 27

Jobholder

Meet with the Reporting Officer throughout the stage one trial period to receive feedback on your progress.

Your Reporting Officer will have arranged to meet with you either weekly or fortnightly during the stage one trial period to review your progress against the performance improvement objectives in your **FPIP 1** (PIP) and complete Section 1, Part B of the form.

You should sign Section 1, Part B of the **FPIP 1** (PIP) to indicate that a review has taken place. Your Reporting Officer will provide you with a copy of the updated **FPIP 1**.

STEP 28

Reporting Officer

Arrange to meet with the Jobholder on completion of the trial period to review performance against the improvement objectives in the PIP and their current PPA/PDP.

As soon as possible after the Jobholder has completed the stage one trial period, but normally within five working days, you must arrange to meet with the

Jobholder to review their performance and determine the outcome of the trial period.



The Jobholder must be allowed the benefit of the full trial period to demonstrate the required improvement in their performance. Periods of absence should not be counted towards completion of the trial period.

STEP 29

Jobholder

Prepare for meeting with Reporting Officer as arranged for review of completed stage one trial period.

As soon as possible after you have completed the stage one trial period, but normally within five working days, the Reporting Officer will arrange to meet with you to review your performance against your **FPIP 1** (PIP) and your current PPA/PDP, and determine the outcome of the trial period.

At this meeting you will be given the opportunity to discuss with the Reporting Officer whether you have met the improvement objectives outlined in your **FPIP 1** (PIP). You may wish to gather evidence of this before the meeting.

STEP 30

Reporting Officer

Prepare to meet with Jobholder to review stage one trial period.

In advance of the meeting, you should revisit Section 1 of the Jobholder's **FPIP 1** (PIP), Parts A and B, and consider whether the Jobholder has achieved the required improvement in all areas of concern during the stage one trial period. (If the required improvements have not been made, you should identify the specific areas where they have failed to do so.)

Refer also to their current PPA/PDP with a view to deciding whether their overall performance has reached a satisfactory standard or remains unsatisfactory.

STEP 31

Reporting Officer

Meet with Jobholder for review of stage one trial period.

Meet with the Jobholder to review their performance during the trial period against the improvement objectives in their **FPIP 1** (PIP) and their current PPA/PDP.

At the review meeting you must

- give the Jobholder the opportunity to express their opinion on progress during the period under review and to provide any information regarding mitigating factors that may have affected their performance;

- decide whether the performance issues previously identified have been resolved and the Jobholder’s overall performance has reached a satisfactory standard, or whether there are continuing shortcomings; and
- complete Section 1, Part C of the **FPIP 1** (PIP) for the stage one trial period.



Where there is a difference of opinion with the Jobholder, you should document this on the **FPIP 1** (PIP).

STEP 32

Jobholder

Meet with Reporting Officer for review of completed stage one trial period.

At the review meeting, you will have an opportunity to express your opinion and provide any information regarding mitigating factors that may have affected your performance.

Your Reporting Officer will determine whether the performance issues have been resolved and your overall performance has reached a satisfactory standard, or whether areas of concern remain, and complete Section 1, Part C of the **FPIP 1** (PIP). Where there is a difference of opinion, this will be documented on the **FPIP 1** (PIP) form by your Reporting Officer.

STEP 33

Reporting Officer

Write up an in-year review on the Jobholder’s current performance review.

After reviewing the Jobholder’s performance against the objectives in their current PPA/PDP, you must write up an in-year review (see [In-year review user guide](#) and [Performance Management - Quick reference guide](#)). This is in addition to completing Section 1, Part C of the **FPIP 1** (PIP) (see Step 31 above).

If you concluded that the Jobholder’s **performance issues have been resolved** and their overall performance has reached a satisfactory standard, you should state this in the in-year review comments section of the Performance Review.

If you concluded that the Jobholder has made **no or insufficient progress towards achieving a satisfactory standard of performance**, and so their overall performance remains unsatisfactory, you should state this in the in-year review comments.

STEP 34 **Reporting Officer**

Prepare and issue stage one trial period outcome to Jobholder.

If the Jobholder's **performance issues have been resolved** and their performance has reached a satisfactory standard:

- prepare and issue memo [***FPIP S1: 4 Stage one trial period outcome - no further action***](#);
- complete “**PIP End Date**” on Page 1 of the Jobholder's **FPIP 1** (PIP) to bring this PIP to a close;
- provide the Jobholder with a copy of the completed **FPIP 1** (PIP); and
- send all documents in the HPRM container to HRConnect to be attached to the Jobholder's personal file.



The HPRM casework container should be closed upon expiry of the written warning period if performance remains satisfactory.

If the Jobholder's performance does not remain satisfactory during the lifespan of the written warning (in other words, they receive an unsatisfactory Performance Review), they will re-enter this procedure at stage two - see section [Re-entering the procedure during a warning period](#).

If the Jobholder's performance issues **have not been resolved** (and they are neither serving a probation period nor have they been appointed on a temporary/fixed term contract), they will progress to stage two of the formal performance improvement procedure.

You must:

- Prepare and issue memo [***FPIP S1: 5 Stage one trial period outcome - referral to stage two***](#) to the Jobholder. Remember to ensure those copied into the memo have access to view it.
- Continue to manage the Jobholder's performance between the end of the stage one trial period and the outcome of the stage two meeting using the same **FPIP 1** (PIP), which should be reviewed and updated as necessary during this period, along with their current PPA/PDP.

Remember to refer to the [Handling Personal Data Guidance](#) at the start of this User Guide.



Probationers and staff on a temporary/fixed-term contract – referral to the final stage

If the Jobholder's performance issues have not been resolved, and they are a probationer or on a temporary/fixed-term contract, they will progress to the final stage of the formal performance improvement procedure.

You must:

- Prepare and issue memo [FPIP S1: 5.1 Stage one trial period outcome - referral to final stage \(Prob/Temp/Fixed term\)](#) to the Jobholder. Remember to ensure those copied into the memo have access to view it.
- Continue to manage the Jobholder's performance between the end of the stage one trial period and the outcome of the final stage meeting using the same **FPIP 1** (PIP), which should be reviewed and updated as necessary during this period, along with their current PPA/PDP.

STEP 35

Jobholder

Receive outcome of stage one trial period in writing.

Your Reporting Officer will notify you in writing of the outcome of the stage one trial period.

If **no further action** is being taken, you will receive memo **FPIP S1: 4** and your Reporting Officer will note, on the in-year review section of your current Performance Review, that your overall performance has reached a satisfactory standard.

You will be advised that provided you maintain a satisfactory standard of performance during the lifespan of the written warning, the matter will then be closed.

If **further action** is being taken, you will receive memo **FPIP S1: 5** (or memo **FPIP S1: 5.1** if you are a probationer or employed on a temporary/fixed-term contract) advising you that you are moving to the next stage of the formal performance improvement procedure. Normally within 10 days of you being notified of this outcome, the Stage Two Decision Officer or Final Stage Decision Officer (as applicable) will invite you to a meeting.

STEP 36**Countersigning Officer**

Receive copy of the outcome of stage one trial period for information.

You will receive a copy of the outcome of the stage one trial period meeting for information (in other words, memo **FPIP S1: 4, FPIP S1: 5 or FPIP S1: 5.1** as applicable).



The Stage Two Decision Officer (or, in the case of probationers or temporary/fixed term workers, the Final Stage Decision Officer) will also receive a copy of the outcome memo at this stage.

STEP 37**Reporting Officer**

Notify next stage decision officer of referral for consideration of next action.

If the Jobholder is progressing to the next stage of the procedure, prepare form [**FPIP 4 - Formal performance improvement procedure - referral to next stage**](#) and send it to the Stage Two Decision Officer or, in the case of a probationer or temporary/fixed term worker, to NICSHR Employee Relations (Final Stage Decision Officer).

You can find the role definitions in paragraph 8.1.5 of HR policy [**10.01 Performance Management**](#).



If you are sending the **FPIP 4** to NICSHR Employee Relations because the Jobholder is moving to the final stage of the procedure, use the appropriate e-mail address below for your department.

For DfC only:

[**NICSHR.EmployeeRelationsDFCONLY@finance-ni.gov.uk**](mailto:NICSHR.EmployeeRelationsDFCONLY@finance-ni.gov.uk)

For DoJ/PPS only:

[**NICSHR.EmployeeRelationsDOJPPSONLY@finance-ni.x.gsi.gov.uk**](mailto:NICSHR.EmployeeRelationsDOJPPSONLY@finance-ni.x.gsi.gov.uk)

Others:

[**NICSHR.EmployeeRelations@finance-ni.gov.uk**](mailto:NICSHR.EmployeeRelations@finance-ni.gov.uk)

Send all documents in the HPRM casework container to HRConnect to be attached to the Jobholder's personal file.

FORMAL PERFORMANCE IMPROVEMENT PROCEDURE – END TO END USER GUIDE

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STAGE TWO: CONSIDERATION OF FINAL WRITTEN WARNING

STEP 1

Stage Two Decision Officer

Invite the Jobholder to a stage two meeting

You will receive either a completed **FPIP 4 Formal performance improvement procedure - referral to next stage** form or a completed **FPIP 8 Re-entering the FPIP – referral to next stage** form from the Reporting Officer, notifying you to take action.

As soon as practicable, but normally no more than 10 working days after the Jobholder has been notified of the outcome of the stage one trial period, **you must** invite the Jobholder to attend a meeting with you under stage two of the formal performance improvement procedure (“the stage two meeting”).

The purpose of this meeting is to discuss the Jobholder’s performance and for you to decide whether they should receive a final written warning.

You must:

- Consider whether any special arrangements are required under a reasonable adjustment (DDA).
- Consider whether you require a note-taker for the meeting (see information below).
- Prepare memo [FPIP S2: 1 Stage two meeting invitation](#) (or, if the Jobholder is re-entering the formal procedure, memo [FPIP S2: 1.1](#)).
- Issue memo **FPIP S2: 1** or **FPIP S2: 1.1** as applicable.
- Ensure that you copy memo **FPIP S2: 1** or **FPIP S2: 1.1** to the Reporting Officer for information.



If you require a note-taker, you should ensure there is no apparent conflict of interest. For example, is that person a member of the Jobholder's staff or likely to be involved if further action is required under this procedure?

Remember to refer to the [Handling Personal Data Guidance](#) at the start of this User Guide for information on creating, storing and sharing the invitation memo.

STEP 2**Reporting Officer**

Receive copy of invitation to stage two meeting for information.

You will receive a copy of the invitation to stage two meeting for information.

STEP 3**Jobholder**

Receive invitation to stage two meeting.

Normally within 10 working days of receiving notification of the outcome of the stage one trial period, you will receive an invitation to a stage two meeting. This is a formal meeting with the Stage Two Decision Officer, under stage two of the formal performance improvement procedure, to discuss your unsatisfactory performance before they decide whether it is appropriate to give you a final written warning.

The invitation (**FPIP S2: 1** or **FPIP S2: 1.1** as applicable) will include the following:

- the date, time and venue of the meeting
- the purpose of the meeting
- who will attend the meeting (including the name of the note-taker, if applicable)
- details of your right to be accompanied at the meeting.

STEP 4**Jobholder**

Reply to invitation to stage two meeting.

After you receive the stage two meeting invitation, you should follow the instructions given and reply to the Stage Two Decision Officer by return.

You are required to take all reasonable steps to attend the meeting (see paragraph 8.8.1 of HR policy [10.01 Performance Management](#)) but if there are good reasons why you cannot attend, for example illness or a family emergency, you should immediately ask for the meeting to be rearranged.

You should think about whether you want someone to come with you to the meeting. You have the right to be accompanied at the meeting by a trade union official or a work colleague of your choice. If you have chosen to be accompanied at the meeting, you must provide details of your companion, when replying to the invitation. If your chosen companion cannot attend on the proposed date, you may suggest an alternative date and time so long as it is reasonable and is no more than five working days after the date originally proposed.

If you fail to attend the rearranged meeting without good reason, the Stage Two Decision Officer may, where it is reasonable to do so, proceed to make a decision on your case based on the information available to them.

STEP 5

Stage Two Decision Officer

Receive Jobholder's response to stage two meeting invitation.

You must:

- File the Jobholder's response to the stage two meeting invitation.
- If applicable, rearrange the meeting and notify the Jobholder accordingly. You should do so in an e-mail referring to the original invitation.
- Consider, in exceptional circumstances, any request to be accompanied by an individual who is not a work colleague or a trade union official.

The Jobholder is required to take all reasonable steps to attend the meeting (see paragraph 8.8.1 of policy [10.01 Performance Management](#)) but if there are good reasons why they cannot attend, for example illness or a family emergency, they should contact you to ask for it to be rearranged.

If the Jobholder's chosen companion cannot attend, they may suggest an alternative time and date for the meeting so long as it is reasonable and is no more than five working days after the date originally proposed.

If the Jobholder fails to attend the rearranged meeting without good reason, you may, where you decide it is reasonable to do so, proceed to make a decision on the case based on the information available to you.



Remember to refer to the [Handling Personal Data Guidance](#).

STEP 6

Stage Two Decision Officer

Prepare for stage two meeting with Jobholder.

In preparation for the stage two meeting you should view all the available casework papers.

Download a copy of form [FPIP 2.2 Stage two meeting – record of meeting](#). You must use the **FPIP 2.2** form to help you plan and prepare for the meeting.

The purpose of the stage two meeting is to discuss the jobholder's performance and to determine whether they should receive a final written warning.

Remember that you are required to prepare a written summary of the stage two meeting so it will be necessary to take notes during the meeting. You should do this yourself or if required, invite an additional person to attend specifically to take notes.

If a note-taker will be present, it is essential to explain to the note-taker that anything discussed/recorded at the meeting is confidential.



Where you consider it necessary to invite a note-taker to be present at the stage two meeting, it remains your responsibility to ensure that the written record of the meeting is issued to the Jobholder and saved securely

STEP 7

Jobholder

Prepare for stage two meeting.

The purpose of this meeting is to discuss your performance and to determine whether you should receive a final written warning. At the meeting you will be given the opportunity to present any information or evidence in mitigation that you wish to have considered before the decision on whether or not to give you a final written warning is made.

Before the meeting you are advised to familiarise yourself with the formal performance improvement procedure (Section 8 of 10.01 HR policy [10.01 Performance Management](#)) and to ensure that you have copies of all the relevant documents. These are:

- your invitation memo
- your current PPA/PDP (with in-year comments completed)
- your current **FPIP 1 – Performance Improvement Plan (PIP)**.

If you do not have any of these documents, you should ask your Reporting Officer to provide you with a copy. If you are re-entering the procedure at stage two as a result of an unsatisfactory Performance Review during the lifespan of a written warning, you will not have a current **FPIP 1 (PIP)**.

To help you make sure that you raise all the issues you want to, it is a good idea to prepare a note of what you are going to say. You should also think about what evidence you have to support the points you plan to make, for example, e-mails or other documents.

STEP 8

Stage Two Decision Officer

Conduct stage two meeting.

Make sure that you follow the guidance/instructions in the **FPIP 2.2 Stage two meeting – record of meeting** form that you used to prepare for the meeting.

STEP 9

Jobholder

Attend stage two meeting.

The Stage Two Decision Officer will begin by explaining the format of the meeting.

At the meeting the decision officer will give you the opportunity to discuss your performance and to present any information or evidence in mitigation that you feel is relevant to the decision on whether or not to give you a final written warning.

If you have chosen to be accompanied, see paragraph 8.6.2 of HR policy [10.01 Performance Management](#) for further information on the role of your companion may play in the meeting.

i Remember that you will be provided with a written summary of the stage two meeting so it will be necessary for the decision officer and/or a note-taker to take notes during the meeting

STEP 10

Stage Two Decision Officer

Provide Jobholder with draft written summary of stage two meeting.

You must ensure that the draft written summary of the meeting is completed on the **FPIP 2.2** form and is issued to the Jobholder no later than five working days after the stage two meeting takes place.

You should request that the Jobholder checks that the draft accurately reflects the meeting and that they reply to you with either their agreement or any factual amendments within five working days. You should also advise the Jobholder that if they do not reply by the given deadline, the draft written summary will be taken as agreed.

Remember to refer the [Handling Personal Data Guidance](#).

i If you have used a note-taker, you should review the draft written summary of the meeting prior to issuing to Jobholder.

STEP 11

Jobholder

Receive draft written summary of stage two meeting and reply to Stage Two Decision Officer

The Stage Two Decision Officer will issue the draft written summary of the meeting to you within five working days of the meeting taking place.

When you receive the draft summary of the meeting, you should check it and decide whether you are content that it accurately reflects the meeting. You must then reply in writing to the Stage Two Decision Officer within five working days of receiving the draft summary of the meeting to

- a) agree the summary or

- b) provide details of any factual amendments you require.

If you fail to reply to the Stage Two Decision Officer by the given deadline, the draft written summary will be taken as agreed

STEP 12 *Stage Two Decision Officer* **Receive Jobholder's feedback on draft summary of stage two meeting.**

The Jobholder must reply to you in writing within five working days of receiving the draft summary of the meeting to

- a) agree the summary or
- b) provide details of any factual amendments that they require.

If the Jobholder does not reply by the given deadline, the draft written summary should be taken as agreed.

a) Jobholder has agreed the summary

If the Jobholder has agreed the summary of the stage two meeting, you must now finalise the summary of the meeting. This will become the written record of the meeting.

b) Jobholder has suggested amendments

If the Jobholder has requested factual amendments to the draft summary of the meeting, you must consider each of their suggested amendments and decide whether to make the change.

If you do not agree with all of the Jobholder's suggested amendments, you must append the comments provided by the Jobholder to the summary of the meeting. After doing so, you will then finalise the summary and appended comments to create the written record of the meeting.

Remember to refer to the [Handling Personal Data Guidance](#).



The draft summary/handwritten notes from the meeting should be destroyed once the written record is agreed by the Jobholder. In cases where there is no agreement (in other words, where comments were appended or where the Jobholder has not replied before the written record is issued), original notes should be scanned and retained with the rest of the case documentation in HPRM. Once scanned and saved they can be destroyed.

STEP 13 **Stage Two Decision Officer**

Issue written record of the stage two meeting to the Jobholder.

After you have finalised the summary of the stage two meeting, you must ensure a copy of the written record (on form **FPIP 2.2** plus any comments from the Jobholder that have been appended to it - see Step 12)) is securely issued to the Jobholder for information as soon as possible but within no more than five working days.

Remember to refer to the [Handling Personal Data Guidance](#) at the start of this User Guide.



The written record of the stage two meeting must have been sent to the Jobholder before you issue the outcome of the meeting.

STEP 14 **Jobholder**

Receive written record of stage two meeting from Stage Two Decision Officer.

The Stage Two Decision Officer will send you a copy of the written record of the stage two meeting (on form **FPIP 2.2**) for information.

STEP 15 **Stage Two Decision Officer**

Consider all relevant information and evidence before making decision on whether to issue a final written warning to the Jobholder.

After the written record of the stage two meeting with the Jobholder has been issued, you must consider all the information and evidence available to you and decide whether:

- a) a final written warning is not justified and so no further formal action should be taken against the Jobholder under the formal performance improvement procedure at this time; or
- b) a final written warning should be issued.



You are reminded of your obligations under the Disability Discrimination Act (DDA) including, where appropriate, consideration of any necessary reasonable adjustments. If in doubt, you should seek advice from NICSHR Employee Relations.

If required, you may consult with the Reporting Officer.

Download a copy of the [FPIP 3.2 Stage two meeting – record of decision](#) form.

It is essential that you record the reason for your decision using the *FPIP 3.2* form.

Whether or not you decide to issue a final warning to the Jobholder, you will need to evidence and clearly explain why you arrived at your decision. If you decide to issue a final written warning, you must also determine the length of the stage two trial period that must be completed by the Jobholder. This will be a minimum of four weeks and should normally be no more than three months.

You must ensure that the length of the stage two trial period is reasonable in the circumstances and must give the Jobholder adequate time in which to demonstrate the required improvement in their performance. Considerations may include, for example, the availability of required training/support or the degree of improvement required.

STEP 16

Stage Two Decision Officer

Prepare and issue appropriate stage two decision outcome to the Jobholder.

No further formal action

If your decision is that no further formal action should be taken under the formal performance improvement procedure:

- prepare outcome memo [*FPIP S2: 2 - Stage two meeting outcome - no further formal action*](#);
- issue outcome memo ***FPIP S2: 2***; and
- instruct the Reporting Officer to send all documents relating to stage two of this procedure in the HPRM casework container to HRConnect to be attached to the Jobholder's personal file.



Remember that although you are taking no further formal action at this point, the written warning remains live for a period of one year. You must arrange to close the HPRM casework container on the date of the expiry of the written warning if the Jobholder's performance remains satisfactory until that point - see [Handling Personal Data Guidance](#).

Final written warning

If your decision is to issue a final written warning:

- prepare outcome memo [*FPIP S2: 3 – Stage two meeting outcome - final written warning*](#);
- issue outcome memo ***FPIP S2: 3***; and
- inform HRConnect that a warning has been issued using form [*FPIP 5 - Form to register written warnings/dismissal/appeal action*](#); and

- instruct the Reporting Officer to arrange a meeting with the Jobholder to update their **FPIP 1** (PIP) (or, if the Jobholder has re-entered the procedure at stage two, to create a new **FPIP 1** (PIP)).



Remember to refer to the [Handling Personal Data Guidance](#).

STEP 17

Jobholder

Receive decision from Stage Two Decision Officer.

The Stage Two Decision Officer will issue their decision to you in writing as soon as possible but no later than 10 working days after the written summary of the stage two meeting has been finalised.

If you have received a final written warning (memo **FPIP S2: 3 – Stage two meeting outcome- final written warning**), your Reporting Officer will arrange to meet with you to update your **FPIP 1** (PIP), to address the performance issues in the final written warning. (If you are re-entering the procedure at stage two, they will put a new **FPIP 1** (PIP) in place.) This meeting will take place as soon as possible after the written warning has been issued, but normally within no more than five working days.

If you believe that you have valid grounds to appeal the warning (see paragraphs 8.10.1 and 8.10.2 of HR policy [10.01 Performance Management](#)), you should follow the instructions contained in the **FPIP S2: 3** memo. For more information see [Appeal against a warning](#) within this User Guide.



If you choose to appeal the warning, the appeals process will continue in parallel with any ongoing action under this procedure.

STEP 18

Reporting Officer

Receive copy of decision from Stage Two Decision Officer.

You will receive a copy of the stage two meeting outcome for information.

If the Stage Two Decision Officer has issued a final written warning (**FPIP S2: 3**), they will also instruct you to arrange to meet with the Jobholder to either update their current **FPIP 1** (PIP) or, in the case of a Jobholder re-entering the procedure, to put a new **FPIP 1** (PIP) in place.

If the Stage Two Decision Officer has issued a “no further formal action” memo (**FPIP S2: 2**), you must send all documents relating to stage two of this procedure in the HPRM casework container to HRConnect to be attached to the Jobholder's personal file.

STEP 19**Reporting Officer**

Arrange to meet with the Jobholder to update/create their *FPIP 1 - Performance Improvement Plan (PIP)* for stage two trial period.

As soon as possible after the final written warning has been issued (normally within no more than 5 working days), you must arrange to meet with the Jobholder to update their ***FPIP 1*** (PIP) to address the performance issues for which they have received the warning.



Where a Jobholder has reached a satisfactory standard of performance at the end of the stage one trial period, their current ***FPIP 1*** (PIP) is end-dated. A new PIP needs to be put in place if they subsequently re-enter the formal performance improvement procedure at Stage Two as a result of an unsatisfactory Performance Review during the life of their written warning - see paragraph 8.2.12 of HR policy [10.01 Performance Management](#).

If the Jobholder chooses to appeal the warning, the appeals process will continue in parallel with any ongoing action under this procedure.

STEP 20**Reporting Officer**

Prepare for meeting with Jobholder to update/create their *FPIP 1 (PIP)*.

Access the Jobholder's current ***FPIP 1*** (PIP) or, in the case of a Jobholder re-entering the procedure, download a blank [FPIP 1 - Performance Improvement Plan \(PIP\)](#) form.



"PIP Start Date" – This is the date the ***FPIP 1*** (PIP) is put in place following the meeting at Step 22 (for those re-entering the procedure).

"PIP End Date" – This is the date the PIP is closed in cases where the Jobholder has reached a satisfactory standard of performance following a trial period.

The purpose of the PIP is to document the serious areas of concern about the Jobholder's work performance that have resulted in the final written warning being issued, restate the standard of performance expected and allow them the opportunity, during the associated trial period, to demonstrate improvement and commitment.

Follow the guidance in the ***FPIP 1*** (PIP) form to prepare for the meeting. The areas of concern will have been set out in the Jobholder's final written warning, in other words, the ***FPIP S2: 3*** outcome memo.

The PIP should include specific improvement objectives to address the areas of

concern and list the actions/activities that are required to address these. You are encouraged to consider these in advance of meeting with the Jobholder.

STEP 21 *Reporting Officer*

Meet with Jobholder to update/create their FPIP 1 (PIP).

Briefly explain the reason for the meeting and remind the Jobholder of the purpose of the **FPIP 1 (PIP)**.

You should aim to agree the improvement objectives for the stage two trial period in the **FPIP 1 (PIP)** with the Jobholder. However, if agreement cannot be reached you should request assistance from the Countersigning Officer - see [Disagreement over Improvement Objectives in PIP](#) in this User Guide and paragraphs 8.9.1 to 8.9.2 of HR policy [10.01 Performance Management](#).

STEP 22 *Jobholder*

Meet with Reporting Officer to discuss and agree improvement objectives for FPIP 1 (PIP).

As soon as possible after the written warning has been issued, but normally within no more than 5 working days, your Reporting Officer will arrange to meet with you to update your **FPIP 1 (PIP)** to address the performance issues for which you have received the final written warning or, if applicable, to put a new **FPIP 1 (PIP)** in place.

If you believe that you have valid grounds for disagreeing with the improvement objectives that your Reporting Officer includes in the **FPIP 1 (PIP)** for the stage two trial period, you should set out your reasons clearly in writing to the Reporting Officer - see [Disagreement over improvement objectives in PIP](#).

STEP 23 *Reporting Officer*

Provide Jobholder with a copy of the updated/new FPIP 1 (PIP).

You must provide the Jobholder with a copy of their **FPIP 1 (PIP)** after Section 2, Part A has been completed.

The **FPIP 1 (PIP)** is a living document which will be reviewed and updated during and at the end of the stage two trial period.



When meeting to review the Jobholder's **FPIP 1 (PIP)** during the trial period, you may wish to use a hard copy to aid discussion. However, a master copy should be stored securely in the HRPM casework container and should reflect all updates made during the trial period.

Each time the master copy is updated, any earlier hard copy records

should be destroyed.

Refer to the [Handling Personal Data Guidance](#) at the start of this User Guide.

STEP 24 *Jobholder*
Receive copy of updated/new FPIP 1 (PIP).

After the meeting at Step 22, your Reporting Officer will provide you with a copy of your **FPIP 1 (PIP)**.

STEP 25 *Reporting Officer*
Meet with the Jobholder throughout the stage two trial period to review progress against the performance improvement objectives in the FPIP 1 (PIP).

You should arrange to meet with the Jobholder on a weekly or fortnightly basis to review progress against the performance improvement objectives in the **FPIP 1 (PIP)**. The frequency of these reviews will have been determined when the **FPIP 1 (PIP)** was updated or created, as applicable, for the stage two trial period.

You must complete Section 2, Part B of the **FPIP 1 (PIP)** at each progress review meeting with the Jobholder during the trial period and provide the Jobholder with a copy of the updated **FPIP 1 (PIP)**.

STEP 26 *Jobholder*
Meet with the Reporting Officer throughout the stage two trial period to receive feedback on your progress.

Your Reporting Officer will have arranged to meet with you on a weekly or fortnightly basis during the stage two trial period to review your progress against the current performance improvement objectives in your **FPIP 1 (PIP)** and complete Section 2, Part B of the form.

You should sign Section 2, Part B of the **FPIP 1 (PIP)** to indicate that a review has taken place. Your Reporting Officer will provide you with a copy of the updated **FPIP 1 (PIP)**.

STEP 27 *Reporting Officer*
Arrange to meet with Jobholder on completion of the stage two trial period to review performance against the improvement objectives in the FPIP 1 (PIP) and their current PPA/PDP.

As soon as possible after the Jobholder has completed the stage two trial period,

but normally within five working days you must arrange to meet with them to review their performance and determine the outcome of the trial period.

i The Jobholder must be allowed the benefit of the full trial period to demonstrate the required improvement in their performance. Periods of absence should not be counted towards completion of the trial period.

STEP 28 **Reporting Officer**
Prepare to meet with Jobholder to review completed stage two trial period.

In advance of the meeting, you should revisit Section 2, Parts A and B of the Jobholder's **FPIP 1** (PIP) and consider whether they have achieved the required improvement in all areas of concern during the stage two trial period. (If the Jobholder has not achieved the required improvement, you should identify the specific areas where they have failed to do so.)

Refer also to their current PPA/PDP with a view to deciding whether their overall performance has reached a satisfactory standard or remains unsatisfactory.

STEP 29 **Jobholder**
Prepare to meet with Reporting Officer for review of completed stage two trial period.

As soon as possible after you have completed the stage two trial period, but normally within five working days, the Reporting Officer will arrange to meet with you to review your performance against your **FPIP 1** (PIP) and your current PPA/PDP, and then determine the outcome of the trial period.

At this meeting you will be given the opportunity to discuss with the Reporting Officer whether you have met the improvement objectives outlined in your **FPIP 1** (PIP). You may wish to gather evidence of this before the meeting.

STEP 30 **Reporting Officer**
Meet with Jobholder for review of stage two trial period.

Meet with the Jobholder to review their performance during the trial period against their **FPIP 1** (PIP) and their current PPA/PDP.

At the review meeting you must:

- give the Jobholder the opportunity to express their opinion on progress during the period under review and to provide any information regarding mitigating factors that may have affected their performance;

- decide whether the performance issues previously identified have been resolved and the Jobholder’s overall performance has reached a satisfactory standard or whether there are continuing shortcomings; and
- complete Reporting Officer’s assessment in Section 2, Part C of the **FPIP 1** (PIP) for the stage two trial period.



Where there is a difference of opinion with the Jobholder, you should document this on the PIP.

STEP 31

Jobholder

Meet with Reporting Officer for review of completed stage two trial period.

At the review meeting you will have an opportunity to express your opinion and provide any information regarding mitigating factors that may affected your performance.

Your Reporting Officer will determine whether the performance issues previously identified have been resolved and your overall performance has reached a satisfactory standard, or whether areas of concern remain. They will then complete the Reporting Officer’s assessment in Section 2, Part C of the **FPIP 1** (PIP). Where there is a difference of opinion, this will be documented on the **FPIP 1** (PIP) form by your Reporting Officer.

STEP 32

Reporting Officer

Write up in-year review on the Jobholder’s current performance review.

In addition to completing the Reporting Officer’s assessment in Section 2, Part C of the **FPIP 1** (PIP) (see Step 30 above), you must write up an in-year review on the Jobholder’s current Performance Review. For more information on how to do so see [In-year review user guide](#) and [Performance Management - Quick reference guide](#).

If you concluded that the Jobholder’s **performance issues have been resolved** and their overall performance has reached a satisfactory standard, you should state this in the in-year review comments and then proceed to Step 33.

If you concluded that the Jobholder has made **no, or insufficient progress, towards achieving a satisfactory standard of performance** and so their overall performance remains unsatisfactory, you should state this in the in-year review comments and then proceed to Step 34.

STEP 33**Reporting Officer**

If performance issues have been resolved, prepare and issue stage two trial period outcome to Jobholder.

If the Jobholder's **performance issues have been resolved** and their performance has reached a satisfactory standard, you must:

- complete "PIP End Date" on Page 1 of the Jobholder's **FPIP 1** (PIP) to bring it to a close;
- provide the Jobholder with a copy of the completed **FPIP 1** (PIP);
- prepare and issue memo **[FPIP S2: 4 Stage two trial period outcome- no further action](#)** (copy to the Countersigning Officer); and
- send all documents relating to stage two of this procedure in the HPRM casework container to HRConnect to be attached to the Jobholder's personal file.



Remember that although you are taking no further action at this point, the final written warning remains live for a period of one year. You must arrange to close the HPRM casework container on the date of the expiry of the written warning if the Jobholder's performance remains satisfactory until that point - see [Handling Personal Data Guidance](#).

If the Jobholder's performance does not remain satisfactory (in other words, they receive an unsatisfactory Performance Review at any time during the lifespan of the final written warning), they will re-enter this procedure at the final stage – see the [Re-entering the procedure during a warning period](#) section of this User Guide.

STEP 34**Reporting Officer**

If performance issues have not been resolved at the end of the stage two trial period, pass the FPIP 1 (PIP) to Countersigning Officer for consideration.

If you conclude that the Jobholder has made insufficient or no progress towards achieving a satisfactory standard of performance during the trial period, and their overall performance remains unsatisfactory, you must:

- pass the completed **FPIP 1** (PIP) to the Countersigning Officer for their consideration; and
- transfer ownership of the Jobholder's Performance Review to the countersigning officer for consideration of your in-year review assessment.

If the Countersigning Officer agrees with your assessment, they will notify the Jobholder of the outcome and refer the case to the Final Stage Decision Officer

for consideration of dismissal.

If the Countersigning Officer does not agree with your assessment, they will notify both you and the Jobholder of the outcome,



If the Jobholder is progressing to the final stage of this procedure, you must continue to manage their performance between the end of the stage two trial period and the outcome of the final stage meeting using the same **FPIP 1** (PIP), which should be reviewed and updated as necessary during this period in conjunction with their current PPA/PDP.

STEP 35

Countersigning Officer

Receive Jobholder's FPIP 1 (PIP) and completed in-year review following Reporting Officer's assessment of stage two trial period.

You must consider whether you agree with the Reporting Officer's assessment of the Jobholder's performance following the stage two trial period.

If you agree with the Reporting Officer's assessment (in other words, you consider that the Jobholder's performance issues have not been resolved), then you should:

- Complete the Countersigning Officer's assessment in Section 2 Part C of **FPIP 1** (PIP).
- Record your assessment of the Jobholder's performance on the in-year review section of the Performance Review.
- Prepare and issue memo [**FPIP S2: 5 Stage two trial period outcome-referral to final stage**](#) (copying to the Reporting Officer and Stage Two Decision Officer, if the latter is not you).
- Return the **FPIP 1** (PIP) to the Reporting Officer.
- Provide the Jobholder with a copy of the **FPIP 1** (PIP) for information.
- Transfer ownership of the Performance Review back to the Reporting Officer who will share with the Jobholder.
- Proceed to step 38.

If you do not agree with the Reporting Officer's assessment, (in other words, you consider that the Jobholder's performance issues have been resolved) you should:

- Discuss with the Reporting Officer and explain your reasons for overruling their assessment. Your decision is final.
- Complete the Countersigning Officer's assessment on Section 2 Part C of the **FPIP 1** (PIP). You must include your reasons for overruling the Reporting

Officer's assessment.

- Record your assessment of the Jobholder's performance on the in-year review section of the Performance Review.
- Complete "PIP End Date" on Page 1 of the Jobholder's **FPIP 1** (PIP) to bring this PIP to a close.
- Ask the Jobholder to sign the **FPIP 1** (PIP) and provide them with a copy.
- Transfer ownership of the Performance Review back to the Reporting Officer who will share with the Jobholder.
- Prepare and issue memo [FPIP S2: 4 Stage two trial period outcome – no further action](#) (copying to the Reporting Officer).

STEP 36

Jobholder

Receive notification of outcome of stage two trial period in writing.

You will be notified of the outcome of the stage two trial period in writing.

If **no further action** is being taken, this outcome will be noted on the in-year review section of your current Performance Review and you will receive memo **FPIP S2: 4**.

You will be advised that as long as you maintain a satisfactory standard of performance during the lifespan of the final written warning the matter will then be closed.

If **further action** is being taken, you will receive memo **FPIP S2:5** advising you that you are moving to the final stage of the formal performance improvement procedure – consideration of dismissal on the grounds of inefficiency (performance). This outcome will be noted in both your **FPIP 1** (PIP) and the in-year review section of your current Performance Review.

Normally within 10 days of the **FPIP S2:5** memo the Final Stage Decision Officer will invite you to a final stage meeting.

STEP 37

Reporting Officer

Receive outcome of stage two trial period in writing.

If the Countersigning Officer issues memo **FPIP S2: 5** (or **FPIP S2: 4**), you will receive a copy for information.

STEP 38**Countersigning Officer****Notify NICSHR (Final Stage Decision Officer) (if applicable).**

If the Jobholder is progressing to the final stage of the procedure, prepare a [FPIP 4 Formal performance improvement procedure – referral to next stage](#) form and send it to NICSHR Employee Relations using the appropriate e-mail address for your department (see below).

For DfC only:

NICSHR.EmployeeRelationsDFCONLY@finance-ni.gov.uk

For DoJ/PPS only:

NICSHR.EmployeeRelationsDOJPPSONLY@finance-ni.x.gsi.gov.uk

Others:

NICSHR.EmployeeRelations@finance-ni.gov.uk

Ensure records management access is amended. For HPRM, add the appropriate NICSHR Employee Relations access control group. You should ask your NICSHR ER casework advisor to provide you with this information.

Send all documents relating to stage two of the procedure in the HPRM casework container to HRConnect to be attached to the Jobholder's personal file.

Remember to refer to the [Handling Personal Data Guidance](#).

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FINAL STAGE: CONSIDERATION OF DISMISSAL

STEP 1

Final Stage Decision Officer

Receive referral

You will receive either a completed ***FPIP 4 Formal performance improvement procedure – referral to next stage*** form or a completed ***FPIP 8 – Re-entering the FPIP – referral to next stage*** form notifying you to take action.

STEP 2

Final Stage Decision Officer

Invite the Jobholder to final stage meeting.

As soon as possible, but normally no more than 10 working days after the Jobholder has been notified of the outcome of the stage two trial period, you must invite the Jobholder to attend a meeting with you under the final stage of the formal performance improvement procedure (“the final stage meeting”).

You must:

- Access the HPRM casework container to consider all information (Reporting Officer/Countersigning Officer will have made arrangements).
- Consider whether any special arrangements are required under a reasonable adjustment (DDA).
- Arrange a note-taker for the meeting.
- Prepare letter ***[FPIP FS: 1 Final stage meeting invitation](#)*** (or, if the Jobholder is re-entering the formal procedure, letter ***[FPIP FS: 1.1 Final stage meeting invitation - re-entering the formal procedure](#)***).
- Issue letter ***FPIP FS: 1*** or ***FPIP FS: 1.1*** as applicable.
- Ensure that you copy letter ***FPIP FS: 1*** or ***FPIP FS: 1.1*** to the Reporting Officer and Countersigning Officer for information.



Refer to the [Handling Personal Data Guidance](#) at the start of this User Guide for information on creating, storing and sharing the invitation letter.

STEP 3**Jobholder****Receive invitation to final stage meeting.**

Normally within 10 working days of receiving notification of the outcome of the stage two trial period, you will receive an invitation to a final stage meeting. This is a formal meeting with the Final Stage Decision Officer, under the final stage of the formal performance improvement procedure, to discuss your unsatisfactory performance before they decide whether it is appropriate to dismiss you.

The invitation (letter **FPIP FS: 1** or **FPIP FS: 1.1** as applicable) will include

- the date, time and venue of the meeting
- the purpose of the meeting
- who will attend the meeting (including the name of the note-taker)
- details of your right to be accompanied at the meeting.

STEP 4**Reporting Officer****Receive copy of invitation to final stage meeting for information.**

You will receive a copy of the **FPIP FS: 1** or **FPIP FS: 1.1** letter for information.

STEP 5**Countersigning Officer****Receive copy of invitation to final stage meeting for information.**

You will receive a copy of the **FPIP FS: 1** or **FPIP FS: 1.1** letter for information.

STEP 6**Jobholder****Reply to invitation to final stage meeting.**

You should reply to the Final Stage Decision Officer by return indicating whether you will be attending on the proposed date.

You are required to take all reasonable steps to attend the meeting (see paragraph 8.8.1 of the [Performance Management policy](#)) but if there are good reasons why you cannot attend, for example illness or a family emergency, you should immediately ask for the meeting to be rearranged.

You should think about whether you want someone to come with you to the meeting. You have the right to be accompanied at the meeting by a trade union official or work colleague of your choice. If you have chosen to be accompanied at the meeting, you must provide the name of your companion, when replying to

the invitation. If your chosen companion cannot attend on the proposed date, you may suggest an alternative date and time so long as it is reasonable and is no more than five working days after the date originally proposed.

If you fail to attend the rearranged hearing without good reason, the Final Stage Decision Officer may, where it is reasonable to do so, proceed to make a decision on your case based on the information available to them.

STEP 7

Final Stage Decision Officer

Receive Jobholder's response to final stage meeting invitation.

You must:

- File the Jobholder's response to the final stage meeting invitation.
- If applicable, rearrange the meeting and notify the Jobholder accordingly. You should do so in an e-mail referring to original invitation.
- Consider, in exceptional circumstances, any request to be accompanied by an individual who is not a work colleague or trade union official.

The Jobholder is required to take all reasonable steps to attend the meeting (see paragraph 8.8.1 of the [Performance management policy](#)) but if there are good reasons why they cannot attend, for example illness or a family emergency, they should contact you to ask for it to be rearranged.

If the Jobholder's chosen companion cannot attend, the Jobholder may suggest an alternative time and date for the meeting so long as it is reasonable and is no more than five working days after the date originally proposed.

If the Jobholder fails to attend the rearranged meeting without good reason, you may, where you decide it is reasonable to do so, proceed to make a decision on the case based on the information available to you.



Refer to the [Handling Personal Data Guidance](#).

STEP 8

Final Stage Decision Officer

Prepare for final stage meeting with Jobholder.

The purpose of the final stage meeting is to decide whether or not to dismiss the jobholder on the grounds of inefficiency (performance). In preparation for the final stage meeting you should familiarise yourself with all documents in the HPRM casework container

You must use the [FPIP 2.3 Final stage meeting - record of meeting](#) form to help you plan and prepare for the meeting.

STEP 9**Jobholder****Prepare for final stage meeting.**

The purpose of the meeting is to determine whether you should be dismissed on the grounds of inefficiency (performance). At the meeting you will be given the opportunity to present any information or evidence in mitigation that you wish to have considered before the decision on whether or not to dismiss you is made.

Before the meeting you are advised to familiarise yourself with the formal performance improvement procedure (Section 8 of 10.01 [10.01 Performance Management](#)) and to ensure that you have copies of all relevant documents. These may include the following:

- your invitation letter
- a copy of your unsatisfactory Performance Review
- the written records of any informal performance improvement discussions
- your current PPA/PDP
- your current PIP (if applicable).

If you do not have these documents, you should ask your Reporting Officer to provide you with a copy.

To help you make sure that you raise all the points you want to, it is a good idea to prepare a note of what you are going to say. You should also think about what evidence you have to support the points you plan to make.

STEP 10**Final Stage Decision Officer****Conduct final stage meeting.**

Make sure that you follow the guidance/instructions in the **FPIP 2.3 Final stage meeting – record of meeting** form that you used to prepare for the meeting.

A written summary of the final stage meeting is required. This will be created on the **FPIP 2.3** form.

STEP 11**Jobholder****Attend final stage meeting.**

The Final Stage Decision Officer will begin by explaining the format of the meeting.

At the meeting the decision officer will give you the opportunity to present any information or evidence in mitigation that you feel is relevant to the decision on whether or not to dismiss you.

If you have chosen to be accompanied, see paragraph 8.6.2 of HR policy [10.01 Performance Management](#) for further information on the role your companion may play in the meeting.



Remember that you will be provided with a written summary of the final stage meeting so it will be necessary for the decision officer/the note-taker to take notes during the meeting.

STEP 12

Final Stage Decision Officer

Provide Jobholder with draft written summary of final stage meeting.

You must ensure that the draft written summary of the meeting is completed on the **FPIP 2.3** form and is issued to the Jobholder no later than five working days after the final stage meeting takes place. You should request that the Jobholder checks that it accurately reflects the meeting and that they reply to you with either their agreement or any factual amendments within five working days. You should advise the Jobholder that if they do not reply by the given deadline, the draft written summary will be taken as agreed.

Remember to refer to the [Handling Personal Data Guidance](#).

STEP 13

Jobholder

Receive draft written summary of final stage meeting.

The Final Stage Decision Officer will issue the draft written summary of the meeting to you on form **FPIP 2.3** within five working days of the meeting taking place.

When you receive the draft summary of the meeting, you should check it and decide whether you are content that it accurately reflects the meeting. Within five working days of receiving the draft summary of the meeting, you must reply in writing to the Final Stage Decision Officer to

- a) agree the summary or
- b) provide details of any factual amendments you require.

If you fail to reply to the Final Stage Decision Officer by the given deadline, the draft written summary will be taken as agreed.

STEP 14**Final Stage Decision Officer****Receive Jobholder's feedback on draft summary of final stage meeting.**

The Jobholder must reply to you in writing within five working days of receiving the draft summary of the meeting to

- a) agree the summary or
- b) provide details of any factual amendments that they require.

If the Jobholder does not reply by the given deadline, the draft written summary should be taken as agreed.

a) Jobholder has agreed the summary

If the Jobholder has agreed the summary of the final stage meeting, you must now finalise the summary of the meeting. This will become the written record of the meeting.

b) Jobholder has suggested amendments

If the Jobholder has requested factual amendments to the draft summary of the meeting, you must consider each of their suggested amendments and decide whether to make the change.

If you do not agree with all of the Jobholder's suggested amendments, you must append the comments provided by the Jobholder to the summary of the meeting. After doing so, you will then finalise the summary and appended comments to create the written record of the meeting.

Remember to refer to the [Handling Personal Data Guidance](#).



The draft summary/handwritten notes from the meeting should be destroyed once the written record is agreed by the Jobholder. In cases where there is no agreement (ie where comments were appended or where the Jobholder has not replied before the written record issued), original notes should be scanned and retained with the rest of the case documentation. Once scanned and saved they can be destroyed.

STEP 15**Final Stage Decision Officer****Issue written record of the final stage meeting to the Jobholder.**

After you have finalised the summary of the final stage meeting, you must ensure a copy of the written record, **FPIP 2.3**, is securely issued to the Jobholder for information, as soon as possible but within no more than five working days after the meeting.



The written record of the meeting must have been sent to the Jobholder before you issue the outcome of the final stage meeting (see Step 18).

STEP 16

Jobholder

Receive written record of final stage meeting from Final Decision Officer.

The Final Stage Decision Officer will send you a copy of the written record of the final stage meeting for information.

STEP 17

Final Stage Decision Officer

Consider all relevant evidence/information before making decision.

After the written record of the final stage meeting with the Jobholder has been issued, you must consider all the evidence available to you before making your decision. You may consult with the Jobholder's line management/ senior management if required.

You should decide whether

- a) dismissal on the grounds of inefficiency (performance) is appropriate; or
- b) dismissal on the grounds of inefficiency (performance) is appropriate but you are prepared to offer a sanction short of dismissal as an alternative; or
- c) dismissal is not appropriate.

If you decide that the Jobholder should be dismissed on the grounds of inefficiency (performance), you must also decide whether compensation should be paid under the Civil Service Compensation Scheme (NI), and if so how much - Section 8.11 of the [Performance Management policy](#) refers.

Download and complete a copy of the [FPIP 3.3 Final stage meeting – record of decision](#) form.

It is essential that you record the reasons for your decision on the FPIP 3.3 form.



You are reminded of your obligations under the Disability Discrimination Act (DDA) including, where appropriate, consideration of any necessary reasonable adjustments.

After you have made your decision, select and prepare the appropriate outcome letter from the following:

- [**FPIP FS: 2 Final stage meeting outcome – dismissal;**](#)
- [**FPIP FS: 3 Final stage meeting outcome – dismissal with offer of sanction short of dismissal;**](#) or
- [**FPIP FS: 4 Final stage meeting outcome – dismissal not appropriate.**](#)

Issue the outcome letter to the Jobholder and copy it to the Reporting Officer and the Countersigning Officer. **The outcome letter should include any action required to support your decision.**

If your decision is that dismissal on the grounds of inefficiency (performance) is appropriate but you are **offering a sanction short of dismissal** as an alternative, you should allow the Jobholder a period of 10 working days from the date of the **FPIP FS: 3** letter to respond to the offer. You will include this deadline in the outcome letter. If the Jobholder chooses to decline the offer, or fails to reply by the specified date, the decision to dismiss will stand.

If your decision is to dismiss the Jobholder on the grounds of inefficiency (performance), you will include the following information in the outcome letter:

- formal notice of dismissal
- the reason/s for dismissal
- the notice period (see HR policy [2.05 Notice](#))
- the right of appeal
- details of compensation payable, if any, under the Civil Service Compensation Scheme (NI).

You (the Final Stage Decision Officer) are responsible for the following:

- a) ensuring that Civil Service Pensions are notified of the dismissal; and
- b) informing HRConnect of the dismissal using form [**FPIP 5 - Form to register written warnings/dismissal/appeal action.**](#)

If you have issued either outcome letter **FPIP FS: 2** or **FPIP FS: 4**, go to Step 23.

If you have issued outcome letter **FPIP FS: 3**, go to Step 22.

STEP 19**Jobholder**

Receive final stage outcome letter (and, if applicable, reply to offer of alternative to dismissal).

The Final Stage Decision Officer will issue their decision to you in writing as soon as possible, normally within 10 working days, after the written summary of the final stage meeting has been finalised. **Where the decision is an offer of an alternative to dismissal, or that dismissal is not appropriate, the letter will detail any action required to support the decision.**

If the Final Stage Decision Officer decides that dismissal on the grounds of inefficiency (performance) is appropriate but they are prepared to **offer a sanction short of dismissal as an alternative**, you must reply to the offer that has been made within a period of 10 working days from the date of the **FPIP FS: 3** letter. The deadline will be specified in the letter. If you choose to decline the offer, or you fail to respond to the offer by the specified date, the decision to dismiss you will stand.

If you are dismissed on the grounds of inefficiency (performance) you will be given formal notice of dismissal in writing and advised of the following:

- the reasons for your dismissal;
- the notice period applicable (see HR policy [2.05 Notice](#)); and
- your right to appeal (see section 8.10 of HR policy [10.01 Performance Management](#)).

STEP 20**Reporting Officer**

Receive copy of outcome from Final Stage Decision Officer.

You will receive a copy of the outcome of the final stage meeting for information and to consider next appropriate action. For example, if the Jobholder is being dismissed, consider leaving actions, ie complete Employee Termination - Leaver Checklist V5.0 ET1.11 R2.

STEP 21**Countersigning Officer**

Receive copy of outcome from Final Stage Decision Officer.

You will receive a copy of the final stage meeting outcome letter (ie **FPIP FS: 2**, **FPIP FS: 3**, or **FPIP FS: 4** as applicable) for information.

STEP 22**Final Stage Decision Officer**

Receive Jobholder's response to the offer of an alternative to dismissal in the *FPIP FS: 3* letter and issue acknowledgement (if applicable).

If the Jobholder responds to the offer in the ***FPIP FS: 3*** letter, save their reply into the HPRM casework container.

Prepare and issue letter **[FPIP FS: 3.1 Final stage – acknowledgement of response to offer short of dismissal](#)**.



If the Jobholder declines the offer in the ***FPIP FS: 3*** letter, or does not reply by the specified date, the decision to dismiss stands.

STEP 23**Jobholder**

Receive acknowledgement of response to offer of alternative to dismissal (if applicable).

If you have replied to the offer of an alternative to dismissal in the ***FPIP FS: 3*** letter, you will receive letter ***FPIP FS: 3.1 Final stage – acknowledgement of response to offer short of dismissal*** from the Final Stage Decision Officer.

STEP 24**Final Stage Decision Officer**

Send final stage documents to HRConnect to be attached to Jobholder's personal file.

Send all documents relating to the final stage of this procedure in the HPRM casework container to HRConnect to be attached to the Jobholder's personal file.



Remember to refer to the **[Handling Personal Data Guidance](#)**.

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APPEAL AGAINST A WARNING

STEP 1

Jobholder

Submit appeal against a written warning/'first and final' written warning/final written warning.

If you wish to appeal against a written warning/'first and final' written warning/final written warning, you must set out the reasons why you think that the decision to issue a warning was flawed or unfair and submit your appeal, in writing, to the Stage One Appeal Officer or the Stage Two Appeal Officer (as applicable) within 10 working days of the date of the warning memo.

STEP 2

Stage One/Stage Two Appeal Officer (as applicable)

Receive Jobholder's appeal against a written warning/'first and final' written warning/final written warning and issue appropriate acknowledgement memo

On receipt of an appeal against a warning, you must first determine whether the appeal has been received within 10 working days of the date of the written warning/'first and final' written warning/final written warning then issue the appropriate acknowledgement memo (see below).

Appeal submitted on time

If the Jobholder's appeal was submitted on time, prepare and issue memo [FPIP AP: 1 – Acknowledgement of appeal against a warning](#).

Appeal submitted late

If the Jobholder's appeal was submitted late but they have provided you with an acceptable reason for the late submission:

- prepare [FPIP AP: 2 - Appeal against a warning submitted out of time](#) (select the optional text that indicates you will hear their appeal);
- issue **FPIP AP: 2**; and
- proceed to Step 4.

If the Jobholder's appeal was submitted late and they have NOT provided you with an acceptable reason for the late submission:

- prepare [FPIP AP: 2 - Appeal against a warning submitted out of time](#) (select the optional text that indicates you cannot hear their appeal); and
- issue **FPIP AP: 2**. (Appeal process ends here.)

STEP 3

Jobholder

Receive appropriate acknowledgement memo.

You will receive an acknowledgement memo from the Stage One/Stage Two Appeal Officer (as applicable).

Appeal submitted on time

If you submitted your appeal on time, you will receive memo **FPIP AP: 1 – Acknowledgement of appeal against a warning**.

Appeal submitted late

If you submitted your appeal late but you provided an acceptable reason for the late submission, you will receive **FPIP AP: 2 - Appeal against a warning submitted out of time** and the appeal officer will indicate in the memo that they will hear your appeal.

If you submitted your appeal late and you have NOT provided an acceptable reason for the late submission, you will receive **FPIP AP: 2 - Appeal against a warning submitted out of time** and the appeal officer will indicate in the memo that they cannot hear your appeal. (In this case, the appeal process ends here.)

STEP 4

Stage One/Stage Two Appeal Officer

Contact the decision officer to request access to all casework papers

You should contact the Stage One Decision Officer or the Stage Two Decision Officer (as applicable) to request access to the casework papers for you to consider the Jobholder's appeal.

STEP 5

Stage One Decision Officer/Stage Two Decision Officer (as applicable)

Receive request from Stage One/Stage Two Appeal Officer for access to casework documents.

You should arrange for the Stage One/Stage Two Appeal Officer (as applicable) to have secure access to all relevant casework documents in line with the [Handling Personal Data Guidance](#) at the start of this User Guide.

STEP 6

Stage One/Stage Two Appeal Officer

Invite Jobholder to appeal hearing.

If the appeal has been submitted on time, or it was submitted late but the Jobholder has provided you with an acceptable explanation for the delay, you should invite the Jobholder to an appeal hearing. The hearing should take place as soon as possible but normally no more than 10 working days after receipt of the appeal.

You must:

- Consider any special arrangements required under a reasonable adjustment (DDA).
- Consider whether you require a note-taker for the hearing (see information below).
- Prepare memo [FPIP AP: 3 Appeal against a warning – invitation to hearing.](#)
- Issue memo **FPIP AP: 3.**



If a note-taker is required, you should ensure there is no apparent conflict of interest eg the previous decision officer, a member of the Jobholder's staff or a person who may be involved if further action is required.

Remember to refer to the [Handling Personal Data Guidance](#) at the start of this User Guide for important information on creating, storing and sharing the invitation memo.

STEP 7

Jobholder

Receive invitation to an appeal hearing.

If your appeal was submitted on time, or it was submitted late but you provided an acceptable reason for the delay, you will receive an invitation to an appeal hearing (**FPIP AP: 3**). The invitation will include the following:

- the date, time and venue of the hearing;
- the purpose of the hearing;
- who will be present at the hearing (including, if applicable, the name of the note-taker);
- your opportunity to make written and/or oral representations to the person hearing the appeal; and
- details of your right to be accompanied at the hearing.

STEP 8**Jobholder****Reply to invitation to appeal hearing.**

After you receive the invitation memo (**FPIP AP: 3**), you should follow the instructions given in it and reply to the Stage One/Stage Two Decision Officer (as applicable) by return indicating whether you will be attending on the arranged date.

You are required to take all reasonable steps to attend the appeal hearing (see paragraph 8.8.1 of the [Performance Management policy](#)) but if there are good reasons why you cannot attend, for example illness or a family emergency, you should immediately ask for it to be rearranged.

You should think about whether you want someone to come with you to the appeal hearing. You have the right to be accompanied at the hearing by a trade union official or work colleague of your choice. If you have chosen to be accompanied at the hearing, you must provide the name of your companion, when replying to the invitation. If your chosen companion cannot attend on the proposed date, you may suggest an alternative date and time so long as it is reasonable and is no more than five working days after the date originally proposed.

If you fail to attend the rearranged hearing without good reason, the Stage One/Stage Two Appeal Officer may, where it is reasonable to do so, consider your appeal on the information available to them.

STEP 9**Stage One/Stage Two Appeal Officer****Receive Jobholder's response to invitation to appeal hearing.**

You must:

- File the Jobholder's response to the appeal hearing invitation (**FPIP AP: 3**) in the HPRM casework container.
- Consider, in exceptional circumstances, any request to be accompanied by an individual who is not a work colleague or trade union official.
- If applicable, rearrange the hearing and notify the Jobholder accordingly. (You should do so in an e-mail referring to original invitation.)

The Jobholder is required to take all reasonable steps to attend the hearing (see paragraph 8.8.1 of HR policy [10.01 Performance Management](#)) but if there are good reasons why they cannot attend, for example illness or a family emergency, they will contact you to ask for it to be rearranged.

If the Jobholder's chosen companion cannot attend, they may suggest an alternative time and date for the hearing so long as it is reasonable and is no more than five working days after the date originally proposed.

If the Jobholder fails to attend a rearranged appeal hearing without good reason, you may, where you decide it is reasonable to do so, consider the appeal on the information available to you.



Remember to refer to the [Handling Personal Data Guidance](#).

STEP 10

Stage One/Stage Two Appeal Officer

Prepare for appeal hearing.

In preparation for the appeal hearing you should consider the grounds for appeal submitted by the Jobholder and all the relevant casework documents. These will include the following:

- the written warning/'first and final' written warning/final written warning (as applicable) issued to the Jobholder
- the record of the stage one/stage two meeting (as applicable)
- any other records that were relied upon by the Stage One/Stage Two Decision Officer in reaching the decision which is being appealed.

You should also download a copy of the [FPIP 6 – Appeal hearing – record of hearing](#) form and use it to help you plan and prepare for the hearing.



In the event that the Jobholder submits new information during the appeal process, you should not proceed with the appeal but should instead refer the new information back to the appropriate decision officer for them to review their decision. If their decision is unchanged, it will then be appropriate to proceed with the appeal.

STEP 11

Jobholder

Prepare for appeal hearing.

At the appeal hearing you will be given the opportunity to present your evidence that the decision to issue a written warning/'first and final' written warning/final written warning (as applicable) was flawed or unfair.

You may wish to consult with a trade union official or work colleague before the hearing. You may also wish to remind yourself of the formal performance improvement procedure (Section 8 of policy [10.01 Performance Management](#)).

You should ensure that you bring any evidence you will be relying on to the hearing, including any written submission you may wish to present.

STEP 12**Stage One/Stage Two Appeal Officer****Conduct appeal hearing.**

Ensure you follow the guidance/instructions given in the **FPIP 6** form that you used to prepare for the hearing. Remember that you are required to prepare a written summary of the appeal hearing so it will be necessary to take notes during the hearing.

If a note-taker will be present, it is essential that you explain to them that anything discussed or recorded at the hearing is confidential. It also remains your responsibility to ensure that the written summary of the hearing is issued to the Jobholder and saved securely.

STEP 13**Jobholder****Attend appeal hearing.**

The Stage One/Stage Two Appeal Officer will begin by explaining the format of the hearing.

At the hearing you will have the opportunity to make written and/or oral representations to the appeal officer.

If you have chosen to be accompanied, see paragraph 8.6.2 of policy [10.01 Performance Management](#) for further information on the role your companion may play at the hearing.



You will be provided with a written summary of the appeal hearing so it will be necessary for the appeal officer (and/or a note-taker) to take notes during the hearing.

STEP 14**Stage One/Stage Two Appeal Officer****Provide Jobholder with draft written summary of the appeal hearing.**

You must ensure that the draft written summary of the hearing is completed on the **FPIP 6 Appeal hearing – record of hearing** form and is issued to the Jobholder no later than five working days after the appeal hearing takes place.

You should request that the Jobholder checks that the summary accurately reflects the hearing and that they reply to you with either their agreement or any factual amendments within 5 working days. You should also advise the Jobholder that if they do not reply by the given deadline, the draft written summary will be taken as agreed.



If a note-taker has been used, you should review the draft written summary of the hearing prior to issuing to Jobholder.

STEP 15**Jobholder**

Receive draft written summary of the appeal hearing and reply to Stage One or Stage Two Appeal Officer.

The Stage One or Stage Two Appeal Officer will issue the draft written summary of the hearing to you (on form **FPIP 6**) within five working days of the hearing taking place.

When you receive the draft summary, you should check it and decide whether you are content that it accurately reflects the hearing. You must then reply in writing to the Stage One/Stage Two Appeal Officer (as applicable) within five working days of receiving the draft summary of the hearing to

- a) agree the summary or
- b) provide any factual amendments you require.

If you fail to reply to the Stage One/Stage Two Appeal Officer by the given deadline, the draft written summary will be taken as agreed.

STEP 16**Stage One/Stage Two Appeal Officer**

Receive Jobholder's feedback on draft written summary of the appeal hearing.

The Jobholder must reply to you in writing within five working days of receiving the draft summary of the hearing to

- a) agree the summary or
- b) provide any factual amendments that they require.

If the Jobholder does not reply by the given deadline, the draft written summary should be taken as agreed.

a) Jobholder has agreed the summary

If the Jobholder has agreed the summary of the stage one/stage two appeal hearing, you must now finalise the summary of the hearing. This will become the written record of the hearing.

b) Jobholder has suggested amendments

If the Jobholder has requested factual amendments to the draft summary of the hearing, you must consider each of their suggested amendments and decide whether to make the change.

If you do not agree with all of the suggested amendments, you must append the comments provided by the Jobholder to the summary of the hearing. After

doing so, you will then finalise the summary of the hearing and appended comments to create the written record.

Remember to refer to the [Handling Personal Data Guidance](#).

i The draft summary/handwritten notes from the hearing should be destroyed once the written record is agreed by the Jobholder. In cases where there is no agreement (that is, where comments were appended or where the Jobholder has not replied before the written record is issued) original notes should be retained with the rest of the case documentation. Once scanned and saved they can be destroyed.

STEP 17 *Stage One/Stage Two Appeal Officer*
Issue written record of appeal hearing to the Jobholder.

After you have finalised the summary of the appeal hearing, you must ensure a copy of the written record (on form **FPIP 6**) is securely issued to the Jobholder for information, as soon as possible but within no more than five working days.

i The written record of the hearing must have been sent to the Jobholder before you make your decision on the outcome of the appeal hearing.

STEP 18 *Jobholder*
Receive written record of appeal hearing from Stage One/Stage Two Appeal Officer (as applicable).

The Stage One/Stage Two Appeal Officer will send you a copy of the written record of the hearing for information.

STEP 19 *Stage One/Stage Two Appeal Officer*
Consider all relevant information and evidence before making your decision on the appeal.

After the written record of the appeal hearing has been issued to the Jobholder, you must consider all the information and evidence available to you and decide whether:

- a) the written warning/'first and final' written warning/final written warning is justified; or
- b) the decision to issue the warning was unfair or procedurally flawed.

Download a copy of the [FPIP 7 Appeal hearing – record of decision](#) form. It is **essential** that you fully explain the reason for your decision on the **FPIP 7** form.

STEP 20**Stage One/Stage Two Appeal Officer****Prepare and issue appropriate appeal outcome memo.**

After you have made your decision on the appeal, you should prepare and issue either memo [FPIP AP: 4 – Successful outcome of appeal against a warning](#) or memo [FPIP AP 4.1 – Unsuccessful outcome of appeal against a warning](#) (as appropriate) to the Jobholder as soon as possible but normally within 15 working days after the date of the hearing.

In all cases you must inform HRConnect of the outcome of the Jobholder's appeal using form [FPIP 5 - Form to register written warnings / dismissal / appeal action](#).

Send all documents relating to the appeal in the HPRM casework container to HRConnect to be attached to the Jobholder's personal file.

Remember to refer to the [Handling Personal Data Guidance](#).

STEP 21**Jobholder****Receive decision from Stage One/Stage Two Appeal Officer.**

The Stage One/Stage Two Decision Officer (as applicable) will issue their decision on your appeal to you in writing as soon as possible but normally within 15 working days of the date of the hearing.

If you receive memo ***FPIP AP: 4.1 – Unsuccessful outcome of appeal against a warning***, the terms of your written warning/'first and final' written warning/final written warning (as applicable) will stand. Your performance will continue to be managed by your Reporting Officer under the formal performance improvement procedure, using your ***FPIP 1*** (PIP) in conjunction with your PPA/PDP.

If you receive ***FPIP AP: 4 – Successful outcome of appeal against a warning***, the written warning/'first and final' written warning/final written warning that you appealed will no longer apply. No formal action (or, if your appeal was against a final written warning, no further formal action) will be taken under the formal performance improvement procedure at this time and so there is no longer a requirement for a ***FPIP 1*** (PIP).



In the event that your appeal against the issue of a final written warning is successful, you may still have a live warning period in place from a written warning. If so, you should note the provisions of paragraph 8.2.12 of policy [10.01 Performance Management](#) regarding re-entering the formal performance improvement procedure.

STEP 22**Stage One/Stage Two Decision Officer (as applicable)**

Receive copy of decision from Stage One/Stage Two Appeal Officer.

You will receive a copy of the appeal outcome (memo **FPIP AP: 4** or **FPIP AP: 4.1**) for information.

STEP 23**Reporting Officer**

Receive copy of decision from Stage One/Stage Two Appeal Officer.

You will receive a copy of the appeal outcome.

If the Stage One/Stage Two Appeal Officer has issued memo **FPIP AP 4.1 – Unsuccessful outcome of appeal against a warning**, the terms of the warning issued to the Jobholder will stand. You will continue to manage the Jobholder’s performance under the formal performance improvement procedure, using their **FPIP 1** (PIP) in conjunction with their current PPA/PDP.

If the Stage One/Stage Two Appeal Officer has issued **FPIP AP: 4 – Successful outcome of appeal against a warning**, the warning issued to the Jobholder will no longer apply. You will cease to manage the Jobholder’s performance under the formal performance improvement procedure and there is no longer a requirement for an **FPIP 1** (PIP).

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APPEAL AGAINST DISMISSAL

STEP 1

Jobholder

Submit appeal against dismissal.

If you wish to appeal against a decision to dismiss you on the grounds of inefficiency (performance), you must set out the reasons why you think the decision was flawed or unfair and submit your appeal to NICSHR, in writing, within 10 working days from the date of the dismissal notice (letter ***FPIP FS: 2 Final stage meeting outcome - dismissal*** or letter ***FPIP FS: 3 Final stage meeting outcome - dismissal with offer of sanction short of dismissal***).

STEP 2

Final Stage Appeal Officer

Receive Jobholder's appeal against dismissal and issue acknowledgement letter

On receipt of an appeal against dismissal from the Jobholder, you should first determine whether the appeal has been received within 10 working days of the date of the dismissal notice and then issue the appropriate acknowledgement letter (see below).

Appeal submitted on time

If the Jobholder's appeal was submitted on time, prepare and issue letter [FPIP AP: 1.1 - Acknowledgement of appeal against dismissal](#).

Appeal submitted late

If the Jobholder's appeal was submitted late but they have provided you with an acceptable reason for the late submission:

- prepare letter [FPIP AP: 2.1 - Appeal against dismissal submitted out of time](#) (select the optional text that indicates you will hear their appeal);
- issue ***FPIP AP 2.1***; and
- proceed to Step 4.

If the Jobholder's appeal was submitted late and they have NOT provided you with an acceptable reason for the late submission:

- prepare letter [FPIP AP: 2.1 - Appeal against dismissal submitted out of](#)

[time](#) (select the optional text that indicates you cannot hear their appeal)

- issue **FPIP AP: 2.1**.

STEP 3

Jobholder

Receive appropriate acknowledgement letter.

You will receive an acknowledgement letter from the Final Stage Appeal Officer.

Appeal submitted on time

If you submitted your appeal on time, you will receive letter **FPIP AP: 1.1 - Acknowledgement of appeal against dismissal**.

Appeal submitted late

If you submitted your appeal late but provided an acceptable reason for the late submission, you will receive letter **FPIP AP: 2.1 - Appeal against dismissal submitted out of time** and the Final Stage Appeal Officer will indicate in the letter that they will hear your appeal.

If you submitted your appeal late and you have NOT provided an acceptable reason for the late submission, you will receive letter **FPIP AP: 2 - Appeal against a warning submitted out of time** and the Final Stage Appeal Officer will indicate in the letter that they cannot hear your appeal. (In this case, the appeal process ends here.)

STEP 4

Final Stage Appeal Officer

Contact the Final Stage Decision Officer to request access to all casework papers.

You should contact the Final Stage Decision Officer to request access to the casework papers for you to consider the Jobholder's appeal.

STEP 5

Final Stage Decision Officer

Provide Final Stage Appeal Officer with access to casework documents.

You should arrange for the Final Stage Appeal Officer to have secure access to all casework documents in line with the [Handling Personal Data Guidance](#) at the start of this User Guide.

STEP 6

Final Stage Appeal Officer

Invite Jobholder to dismissal appeal hearing.

If the appeal has been submitted on time, or it was submitted late but the Jobholder has provided you with an acceptable reason for the delay, you should invite the Jobholder to an appeal hearing using letter [FPIP AP: 3.1 Appeal against dismissal – invitation to hearing](#). The hearing should take place as soon as reasonably possible but normally no more than 10 working days after receipt of the Jobholder's appeal.



You should consider whether any special arrangements are required under a reasonable adjustment (DDA).

STEP 7

Jobholder

Receive invitation to dismissal appeal hearing.

If your appeal was submitted on time, or it was submitted late but you provided an acceptable reason for the delay, you will receive an invitation to a dismissal appeal hearing (letter **FPIP AP: 3.1**). The invitation will include the following:

- the date, time and venue of the hearing;
- the purpose of the hearing;
- who will be present at the hearing (including the name of the note-taker);
- your opportunity to make written and/or oral representations to the person hearing the appeal, in other words, the Final Stage Appeal Officer; and
- details of your right to be accompanied at the hearing.

STEP 8

Jobholder

Reply to invitation to dismissal appeal hearing.

After you receive the invitation letter (**FPIP AP: 3.1**), you should follow the instructions in it and reply to the Final Stage Appeal Officer by return indicating whether you will be attending on the arranged date.

You are required to take all reasonable steps to attend the appeal hearing (see paragraph 8.8.1 of the [Performance Management policy](#)) but if there are good reasons why you cannot attend, eg illness or a family emergency, you should immediately ask for it to be rearranged.

You should think about whether you want someone to come with you to the appeal hearing. You have the right to be accompanied at the hearing by a trade union official or work colleague of your choice. If you have chosen to be accompanied at the hearing, you must provide the name of your companion, when replying to the invitation. If your chosen companion cannot attend on the proposed date, you

may suggest an alternative date and time so long as it is reasonable and is no more than five working days after the date originally proposed.

If you fail to attend the rearranged hearing without good reason, the Final Stage Appeal Officer may, where it is reasonable to do so, consider your appeal on the information available to them.

STEP 9

Final Stage Appeal Officer

Receive Jobholder's response to dismissal appeal hearing invitation.

You must:

- File the Jobholder's response to the appeal hearing invitation in the HPRM casework container.
- Consider, in exceptional circumstances, any request to be accompanied by an individual who is not a work colleague or trade union official.
- If applicable, rearrange the hearing and notify the Jobholder accordingly. (You should do so in an e-mail referring to original invitation.)

If the Jobholder's chosen companion cannot attend on the proposed date, they may suggest an alternative time and date for the hearing so long as it is reasonable and is no more than five working days after the date originally proposed. If applicable, rearrange the hearing and notify the Jobholder accordingly. You should do so in an e-mail referring to original invitation.



Remember to refer to the [Handling Personal Data Guidance](#).

If the Jobholder fails to attend a rearranged appeal hearing without good reason, you may, where you decide it is reasonable to do so, consider the appeal on the information available to you.

STEP 10

Final Stage Appeal Officer

Prepare for dismissal appeal hearing.

In preparation for the dismissal appeal hearing you should review the evidence and procedures relied upon by the Final Stage Decision Officer in making the decision to dismiss. You will have access to all available casework papers.

You should download a copy of form [FPIP 6 – Appeal hearing – record of hearing](#) and use it to help you plan and prepare for the hearing.



In the event that the Jobholder submits new information during the appeal process, you should refer the new information back to the Final Stage Decision Officer for them to review their decision rather than proceed with

the appeal. If their decision is unchanged, it will be appropriate to proceed with the appeal.

STEP 11 *Jobholder*
Prepare for dismissal appeal hearing.

At the dismissal appeal hearing you will be given the opportunity present your evidence against the decision to dismiss.

You may wish to consult with a trade union official or work colleague before the hearing. You may also wish to remind yourself of the formal performance improvement procedure (Section 8 of [10.01 Performance Management](#) policy).

You should ensure that you bring any evidence you will be relying on to the hearing, including any written submission you may wish to present.

STEP 12 *Final Stage Appeal Officer*
Conduct dismissal appeal hearing.

You should refer to the guidance/instructions given in the **FPIP 6** form that you used to prepare for the hearing.

STEP 13 *Jobholder*
Attend dismissal appeal hearing.

The Final Stage Appeal Officer will begin by explaining the format of the hearing.

At the hearing you will have the opportunity to make written and/or oral representations to the Final Stage Appeal Officer.

If you have chosen to be accompanied, refer to paragraph 8.6.2 of policy [10.01 Performance Management](#) for further information on the role your companion may play at the hearing.

STEP 14 *Final Stage Appeal Officer*
Provide Jobholder with draft written summary of the dismissal appeal hearing.

You must ensure that the draft written summary of the hearing is completed on the **FPIP 6 Appeal hearing – record of hearing** form and is issued to the Jobholder no later than five working days after the appeal hearing takes place.,

You should request that the Jobholder checks that the summary accurately reflects the hearing and that they reply to you with either their agreement or any

factual amendments within five working days. You should also advise the Jobholder that if they do not reply by the given deadline, the draft written summary will be taken as agreed.



You should review the draft written summary of the hearing prior to issuing to Jobholder.

STEP 15

Jobholder

Receive draft written summary of the dismissal appeal hearing and reply to Final Stage Appeal Officer.

The Final Stage Appeal Officer will issue the draft written summary of the hearing to you (on form **FPIP 6**) within five working days of the hearing taking place.

When you receive the draft summary, you should check it and decide whether you are content that it accurately reflects the hearing. You must then reply in writing to the Final Stage Appeal Officer within five working days of receiving the draft summary of the hearing to

- a) agree the summary or
- b) provide any factual amendments you require.

If you fail to reply to the Final Stage Appeal Officer by the given deadline, the draft written summary will be taken as agreed.

STEP 16

Final Stage Appeal Officer

Receive Jobholder's feedback on draft summary of dismissal appeal hearing.

The Jobholder must reply to you in writing within five working days of receiving the draft summary of the hearing to

- a) agree the summary or
- b) provide any factual amendments that they require.

If the Jobholder does not reply by the given deadline, the draft written summary should be taken as agreed.

a) Jobholder agrees summary

If the Jobholder has agreed the summary of the final stage appeal hearing, you must now finalise the summary of the hearing. This will become the written record of the hearing.

b) Jobholder suggests amendments

If the Jobholder has requested factual amendments to the summary of the hearing, you must consider each of their suggested amendments and decide whether to make the change.

If you do not agree with all of the suggested amendments, you must append the comments provided by the Jobholder to the summary of the hearing. After doing so, you will then finalise the summary of the hearing and appended comments to create the written record.

Remember to refer to the [Handling Personal Data Guidance](#).



The draft summary/handwritten notes from the hearing should be destroyed once the written record is agreed by the Jobholder. In cases where there is no agreement (ie where comments were appended or where the Jobholder has not replied before the written record is issued) original notes should be retained with the rest of the case documentation. Once scanned and saved they can be destroyed.

STEP 17

Final Stage Appeal Officer

Issue the written record of the dismissal appeal hearing to the Jobholder.

After you have finalised the summary of the dismissal appeal hearing, you must ensure a copy of the written record (on form **FPIP 6**) is securely issued to the Jobholder for information, as soon as possible but within no more than five working days.

The finalised summary of the hearing must have been sent to the Jobholder before you make your decision on the outcome of dismissal appeal hearing.

STEP 18

Jobholder

Receive the written record of the dismissal appeal hearing from Final Stage Appeal Officer.

The Final Stage Appeal Officer will send you a copy of the written record of the hearing for information before making their decision on the outcome of the dismissal appeal.

STEP 19**Final Stage Appeal Officer**

Consider all relevant information and evidence before making decision on the appeal.

After the written summary of the dismissal appeal hearing has been issued to the Jobholder, you must consider all the information and evidence available to you and decide whether to:

- a) uphold the original decision to dismiss; or
- b) set aside the decision to dismiss.



Download a copy of the [FPIP 7 Appeal hearing – record of decision](#) form. It is essential that you record the reason for your decision, and any associated recommendations, on the **FPIP 7** form.

STEP 20**Final Stage Appeal Officer**

Prepare and issue appropriate dismissal appeal outcome letter.

After you have made your decision on the appeal, you should prepare and issue either letter [FPIP 4.2 Successful outcome of appeal against dismissal](#) or letter [FPIP 4.3 Unsuccessful outcome of appeal against dismissal](#) to the Jobholder as soon as possible but normally within 15 working days of the hearing date, and copy it to the Final Stage Decision Officer, the Reporting Officer and the Countersigning Officer.

If you uphold the decision to dismiss, you will be advising the Jobholder that their dismissal on the grounds of inefficiency (performance) will proceed.

If you set aside the decision to dismiss, you should ensure any necessary arrangements are made to support your decision, taking account of the length of notice given to the Jobholder.

In all cases you must inform HRConnect of the outcome of the Jobholder's appeal using form [FPIP 5 - Form to register written warnings/dismissal/appeal action](#).

Send all documents relating to the appeal in the HPRM casework container to HRConnect to be attached to the Jobholder's personal file.

Remember to refer to the [Handling Personal Data Guidance](#).

STEP 21**Jobholder**

Receive decision from Final Stage Appeal Officer.

You will receive the outcome of the dismissal appeal. If your appeal is unsuccessful, you will be advised that your dismissal on the grounds of inefficiency (performance) will proceed and of your right of appeal to the Civil Service Appeal Board (if applicable) - see policy [2.07 Civil Service Appeal Board](#).

If your appeal against dismissal is successful, the Final Stage Appeal Officer will outline their decision and advise you of any arrangements that are required.

STEP 22**Final Stage Decision Officer**

Receive copy of decision from Final Stage Appeal Officer.

You will receive a copy of the appeal outcome (letter **FPIP AP: 4.2** or letter **FPIP AP: 4.3** as applicable) for information.

STEP 23**Reporting Officer**

Receive copy of decision from Final Stage Appeal Officer.

You will receive a copy of the appeal outcome (letter **FPIP AP: 4.2** or letter **FPIP AP: 4.3** as applicable) for information.

STEP 24**Countersigning Officer**

Receive copy of decision from Final Stage Appeal Officer.

You will receive a copy of the appeal outcome for information.

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DISAGREEMENT OVER IMPROVEMENT OBJECTIVES IN PIP

STEP 1

Jobholder

Notify the Reporting Officer in writing of your reasons for disagreeing with the improvement objectives in the *FPIP 1* (PIP)

If you believe that you have valid grounds for disagreeing with the improvement objectives in the PIP, you should clearly set out your reasons in writing to the Reporting Officer.

STEP 2

Reporting Officer

Receive reasons for disagreement over improvement objectives from Jobholder and contact the Countersigning Officer to seek assistance.

If the Jobholder believes that they have valid grounds for disagreeing with the improvement objectives that you include in their PIP, they should clearly set out their reasons in writing and send to you.

If, after you consider the reasons given by the Jobholder, you still cannot reach agreement, you should contact the Countersigning Officer, as soon as possible but normally within no more than five working days, to seek their assistance to resolve the areas of disagreement. The Countersigning Officer will then arrange to discuss the areas of disagreement with you and the Jobholder.

STEP 3

Countersigning Officer

Receive request from Reporting Officer for assistance to resolve disagreement over improvement objectives in PIP.

If, whenever the Reporting Officer meets with the Jobholder to put in place their PIP, the Jobholder objects to the improvement objectives included in the PIP and they are unable to reach agreement, the Reporting Officer will contact you to seek your assistance to resolve the area/s of disagreement.

STEP 4***Countersigning Officer******Discuss areas of disagreement with Reporting Officer and Jobholder.***

Within five working days of your assistance being sought by the Reporting Officer, you should

- a) arrange to discuss the area/s of disagreement over the Jobholder's improvement objectives with the Reporting Officer and the Jobholder (separately); and
- b) notify the Reporting Officer and the Jobholder in writing of your decision on the improvement objectives in the PIP (including any suggested amendments, if applicable).

STEP 5***Jobholder******Discuss areas of disagreement with the Countersigning Officer.***

The Countersigning Officer will contact you as soon as possible to discuss the area/s of disagreement over the improvement objectives in your PIP.

STEP 6***Reporting Officer******Discuss areas of disagreement with the Countersigning Officer.***

The Countersigning Officer will contact you as soon as possible to discuss the area/s of disagreement over the improvement objectives in the Jobholder's PIP.

STEP 7***Jobholder******Receive Countersigning Officer's decision on improvement objectives.***

Within five working days of the Reporting Officer requesting the assistance of the Countersigning Officer, the Countersigning Officer will notify both you and the Reporting Officer in writing of their decision on your improvement objectives (including any suggested amendments, if applicable).

As soon as possible after receiving the Countersigning Officer's decision (within five working days), you must notify the Reporting Officer in writing whether you accept the Countersigning Officer's decision or continue to dispute the improvement objectives.

STEP 8**Reporting Officer**

Receive Countersigning Officer's decision on improvement objectives.

Within five working days of you requesting the assistance of the Countersigning Officer, they will notify you and the Jobholder in writing of their decision on the improvement objectives in the Jobholder's PIP (including any suggested amendments, if applicable).

STEP 9**Reporting Officer**

Receive Jobholder's response to Countersigning Officer's decision.

As soon as possible after receiving the Countersigning Officer's decision (within five working days), the Jobholder will notify you in writing of whether they accept the Countersigning Officer's decision or continue to dispute the improvement objectives in the PIP.

If the Jobholder has accepted the Countersigning Officer's decision, proceed to Step 10.

If the Jobholder does not accept the Countersigning Officer's decision and continues to object to the improvement objectives, proceed to Step 12.

STEP 10**Reporting Officer**

Make the amendments suggested by the Countersigning Officer (if applicable) and provide Jobholder with copy of PIP.

If the Jobholder has accepted the Countersigning Officer's decision, you should make the necessary amendments to the improvement objectives (if applicable) and provide the Jobholder with a copy of the PIP.

STEP 11**Jobholder**

Receive copy of PIP (with amended improvement objectives, if applicable).

The Reporting Officer will provide you with a copy of the PIP (with the amended improvement objectives, if applicable).

STEP 12 *Reporting Officer*

If applicable, contact the Next Line Manager to seek their assistance in resolving disagreement over improvement objectives in PIP.

If the Jobholder does not accept the Countersigning Officer's decision and continues to object to the improvement objectives, you should contact the Next Line Manager as soon as possible (normally within no more than five working days) to request their involvement in resolving the issue.

STEP 13 *Next Line Manager*

Receive request from Reporting Officer for assistance to resolve disagreement over improvement objectives in PIP

If, following input from the Countersigning Officer, the Reporting Officer and the Jobholder are unable to reach agreement on the improvement objectives in the Jobholder's PIP, the Reporting Officer will contact you to request your involvement in resolving the issue. (Your decision will be final.)

STEP 14 *Next Line Manager*

Discuss areas of disagreement with Reporting Officer and Jobholder.

Within five working days of your assistance being sought by the Reporting Officer, you should

- a) arrange to discuss the area/s of disagreement over the Jobholder's improvement objectives with the Reporting Officer and the Jobholder as soon as possible; and
- b) notify the Jobholder, the Reporting Officer and the Countersigning Officer in writing of your decision on the Jobholder's improvement objectives, (including any changes required).

STEP 15 *Jobholder*

Discuss areas of disagreement with the Next Line Manager.

The Next Line Manager will contact you as soon as possible to discuss the area/s of disagreement over the improvement objectives in your PIP.

STEP 16 *Reporting Officer*

Discuss areas of disagreement with the Next Line Manager.

The Next Line Manager will contact you as soon as possible to discuss the area/s of disagreement over the improvement objectives in the Jobholder's PIP.

STEP 17**Jobholder**

Receive Next Line Manager's decision on improvement objectives.

Within five working days of the Reporting Officer requesting the assistance of the Next Line Manager, the Next Line Manager will notify you, the Reporting Officer and the Countersigning Officer in writing of their decision on your improvement objectives, including any required amendments.

The Next Line Manager's decision is final.

STEP 18**Reporting Officer**

Receive Next Line Manager's decision on improvement objectives.

Within five working days of you requesting the assistance of the Next Line Manager, they will notify you, the Reporting Officer and the Countersigning Officer in writing of their decision on the Jobholder's improvement objectives, including any required amendments.

The Next Line Manager's decision is final.

If the Next Line Manager's decision requires amendments to be made to the Jobholder's improvement objectives, you should make the necessary amendments and provide the Jobholder with a copy of the PIP.

STEP 19**Countersigning Officer**

Receive next Line Manager's decision on improvement objectives.

You will receive a copy of the Next Line Manager's decision for information.

STEP 20**Jobholder**

Receive copy of PIP (with amended improvement objectives, if applicable).

The Reporting Officer will provide you with a copy of the PIP (with amended improvement objectives, if applicable).

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RE-ENTERING THE PROCEDURE DURING A WARNING PERIOD

If a Jobholder is given an unsatisfactory Performance Review or Probation Review while they have a live warning for unsatisfactory performance in place, they will re-enter the formal performance improvement procedure at the next stage.

The stage at which the Jobholder re-enters the procedure depends on the type of warning that is in place – see table below.

Warning in place:	Jobholder re-enters procedure at:
Written warning	Stage two – consideration of final written warning
First and final written warning	Final stage – consideration of dismissal
Final written warning	Final stage – consideration of dismissal

STEP 1

Reporting Officer

Refer case to next stage decision officer.

Within five working days of the Jobholder providing feedback on their Performance Review/Probation Review if they choose not to dispute the unsatisfactory rating (or, if the Jobholder invokes the Performance Review Report Appeals Procedure in the Performance Management policy, within five working days of the outcome of their appeal), the Reporting Officer must refer the case to the next stage decision officer using the [FPIP 8 - Re-entering the FPIP – referral to next stage](#) form.

STEP 2

Stage Two Decision Officer Final Stage Decision Officer

Receive referral from Reporting Officer.

Within five working days of receiving the **FPIP 8 - Re-entering the FPIP – referral to next stage** form from the Reporting Officer, the Stage Two/Final Stage Decision Officer (as applicable) must invite the Jobholder to attend a stage two or final stage meeting under the formal performance improvement procedure.

For further details go to:

[Stage Two: Consideration of Final written warning](#)
[Final Stage: Consideration of Dismissal](#)

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ASSOCIATED DOCUMENTS

In addition to this user guide, you may wish to refer to the following as appropriate:

- [HR policy 10.01 Performance Management](#)
- [NICS Competency Framework](#)
- [Performance Management - Quick Reference Guide](#) (for step-by-step instructions on how to use HRConnect for performance management)

DOWNLOADABLE FORMS

- [FPIP 1](#) Performance Improvement Plan (PIP)
- [FPIP 2](#) Stage one meeting – record of meeting
- [FPIP 2.1](#) Stage one meeting – record of meeting (Prob/Temp/FTC)
- [FPIP 2.2](#) Stage two meeting – record of meeting
- [FPIP 2.3](#) Final stage meeting – record of meeting (HR only)
- [FPIP 3](#) Stage one meeting – record of decision
- [FPIP 3.1](#) Stage one meeting – record of decision (Prob/Temp/FTC)
- [FPIP 3.2](#) Stage two meeting – record of decision
- [FPIP 3.3](#) Final stage meeting – record of decision (HR only)
- [FPIP 4](#) Formal performance improvement procedure – referral to next stage
- [FPIP 5](#) Form to register written warnings/dismissal/appeal action
- [FPIP 6](#) Appeal hearing – record of meeting
- [FPIP 7](#) Appeal hearing – record of decision
- [FPIP 8](#) Re-entering the FPIP – referral to next stage

MEMOS/LETTERS

Stage One Memos

- [FPIP S1: 1](#) Stage one meeting invitation
- [FPIP S1: 1.1](#) Stage one meeting invitation – probationer/temporary worker/fixed-term worker
- [FPIP S1: 2](#) Stage one meeting outcome – no formal action
- [FPIP S1: 3](#) Stage one meeting outcome – written warning
- [FPIP S1: 3.1](#) Stage one meeting outcome – written warning - probationer
- [FPIP S1: 3.2](#) Stage one trial period outcome – written warning - temporary/fixed term worker
- [FPIP S1: 4](#) Stage one trial period outcome – no further action
- [FPIP S1: 5](#) Stage one trial period outcome – referral to stage two
- [FPIP S1: 5.1](#) Stage one trial period outcome – referral to final stage (Prob/Temp/Fixed term)

Stage Two Memos

- [FPIP S2: 1](#) Stage two meeting invitation
- [FPIP S2: 1.1](#) Stage two meeting invitation – re-entering the formal procedure
- [FPIP S2: 2](#) Stage two meeting outcome – no further formal action
- [FPIP S2: 3](#) Stage two meeting outcome– final written warning
- [FPIP S2: 4](#) Stage two trial period outcome– no further action
- [FPIP S2: 5](#) Stage two trial period outcome– referral to final stage

Final Stage Letters (HR only)

- [FPIP FS: 1](#) Final stage meeting invitation
- [FPIP FS: 1.1](#) Final stage meeting invitation - re-entering the formal procedure
- [FPIP FS: 2](#) Final stage meeting outcome - dismissal
- [FPIP FS: 3](#) Final stage meeting outcome - dismissal with offer of sanction short of dismissal
- [FPIP FS: 3.1](#) Final stage – acknowledgement of response to offer short of dismissal
- [FPIP FS: 4](#) Final stage meeting outcome – dismissal not appropriate

Appeal Memos/Letters

- [FPIP AP: 1](#) Acknowledgement of appeal against a warning

- [FPIP AP: 1.1](#) Acknowledgement of appeal against dismissal (HR only)
- [FPIP AP: 2](#) Appeal against a warning submitted out of time
- [FPIP AP: 2.1](#) Appeal against dismissal submitted out of time (HR only)
- [FPIP AP: 3](#) Appeal against a warning – invitation to hearing
- [FPIP AP: 3.1](#) Appeal against dismissal – invitation to hearing (HR only)
- [FPIP AP: 4](#) Successful outcome of appeal against a warning
- [FPIP AP: 4.1](#) Unsuccessful outcome of appeal against a warning
- [FPIP AP: 4.2](#) Successful outcome of appeal against dismissal (HR only)
- [FPIP AP: 4.3](#) Unsuccessful outcome of appeal against dismissal (HR only)

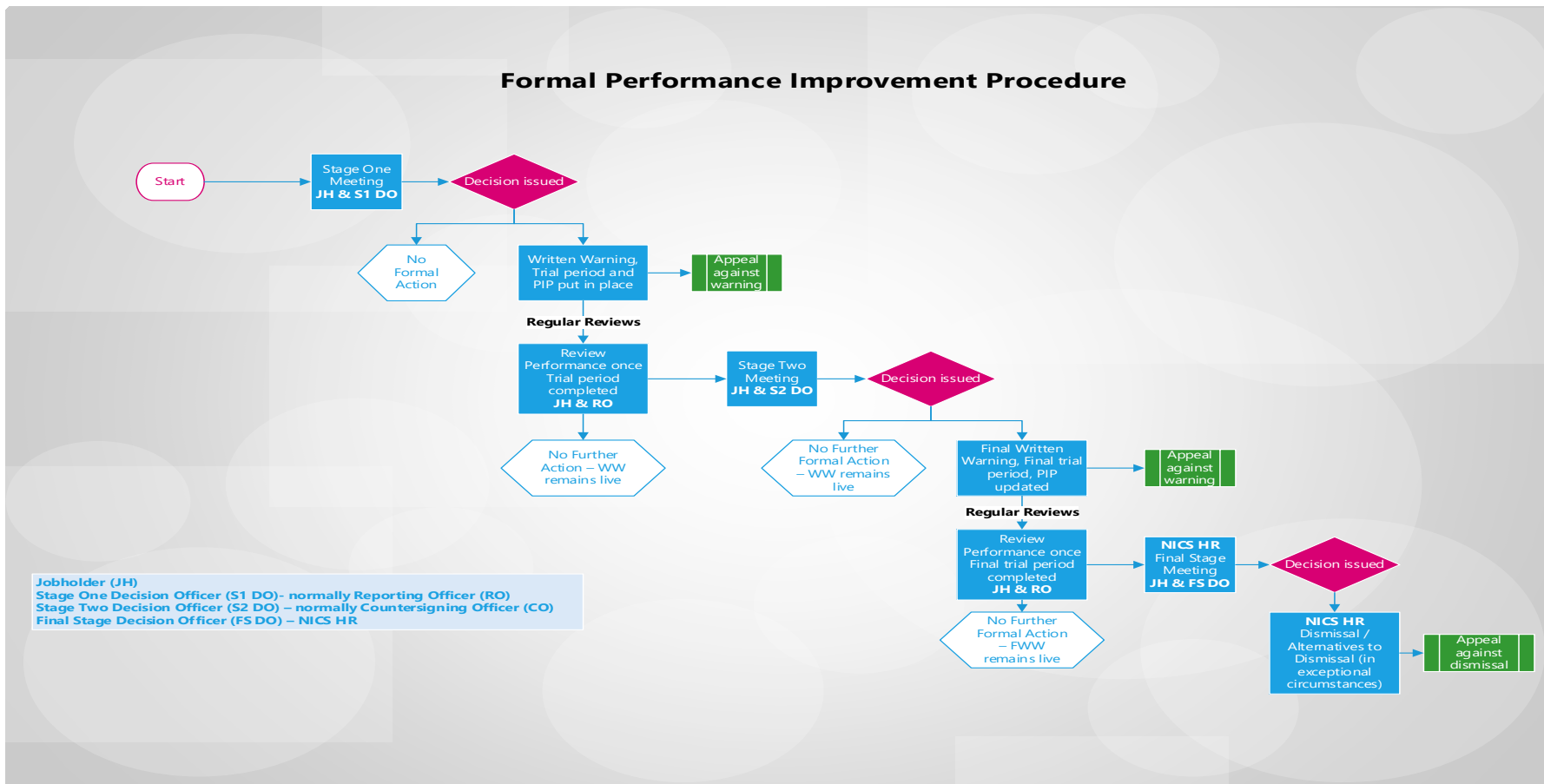
FAQs

[Formal performance improvement procedure FAQs](#)

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PROCESS MAP (HIGH LEVEL)



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PROCESS MAPS (DETAILED)

[Stage one](#)

[Stage two](#)

[Final stage](#)

[Appeal against a warning](#)

[Appeal against dismissal](#)

[Disagreement over improvement objectives in a PIP](#)