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Sacking for poor performance

Performance management is key to ensuring positive performance and maintaining staff morale. If poor performance is not well run, this can be de-motivating for productive members of the workforce. In addition, in certain circumstances, the incapacity of the worker and others may put the inability of the worker and others at risk of injury and infringement of the health and safety rules. Causes of poor performance In the event of a problem with the performance of the employee, it will be very important for the manager to try to determine the root cause of the problem and deal with it appropriately. It's a natural human reaction for a manager to accuse an employee when mistakes are being made or where the work is not done satisfactorily. However, managers should refrain from assuming that such performance problems are due to a lack of effort or carelessness of the employee, as there are many other possible causes of poor performance. These include:

- inadequate or insufficient training;
- poor working systems, unconstitutional policies or inadequate procedures that do not allow effective or effective work;
- Tools and equipment that are not working properly or frequently broken down;
- poor quality or inadequate control and/or support;
- a lack of understanding of the worker's work priorities, priorities or objectives that may arise because no one has adequately explained these issues or given feedback to the employee;
- vague instructions;
- overload of work causing stress and fatigue;
- unrealistic objectives or deadlines that cannot be achieved practically by the employee;
- a poor working relationship that worries, upsets or shakes the worker;
- bullying or harassment;
- physical or mental ill health, for example where the health status of the worker or the medicines being taken for it causes fatigue; and
- personal problems that would undoubtedly affect the employee's concentration. The distinction between ability and behaviour Lack of capacity exists when, no matter how the worker tries, he is simply unable to carry out the work to the standard required by the employer. If, because of his lacklessness, negligence or illness, the worker does not meet the required standard, this will not constitute an impossibility, but could be regarded as a failure. Sometimes it is difficult to determine whether the employee's poor performance is due to inseparability or lack of effort, loneliness or negligence. In some cases, there may be an element of both. The fair dismissal case law has shown that failure for poor performance will generally not be fair unless the following key elements are present:

- A real investigation has been carried out into the problem.
- The employee was aware of the problem and was given the opportunity to improve in a real time frame. The employee was provided with appropriate support and perhaps training.
- The employee's progress is reviewed during the review period.
- The employee is offered the right to appeal against the termination decision. For more information, contact a team member on 0131 225 7458 on 0131 225 7458 for further information. Your employer may have fired you because of the way you do your job. However, before they do so, they must follow a particular procedure and be able to show that they are trying to help you improve your work. This page tells you more about the legal tests that court judges will use to decide whether your employer's decision to dismiss you for poor performance is justified. If you have been fired for poor performance, the court will be looking to give you time and proper support to improve before you have been fired. The Court will also examine whether your employer has told you whether: you truly believed that you were incapable of doing this job, and if there are reasonable grounds for believing that this has been carried out by an appropriate investigation into your performance, it has told you about your relentless work and given you clear warnings that you have a reasonable chance of improving the appropriate alternative work offered, if possible. The Court will also examine whether the decision to dismiss was within the range of the answers given by a reasonable employer. There are also general legal tests for unfair dismissal claims that the court will use to bring proceedings. These include an examination of whether your employer complied with the Acas Code for Disciplinary and Dismissal Procedures. More on general legal tests for unfair dismissal claims Did your employer really believe that you could not do this job? The court will want to know why you were fired. The reasons for this may be in your discharge letter. Your employer doesn't have to prove that you were ruthless in doing your job. They just have to show that they really believed that you couldn't do it and that there were reasons for it. This can be hard to challenge. If you think your employer has used your performance as an excuse to fire you for another reason, it will help your case if you can provide evidence to support why you think so. The evidence can be: assessments and work records or witness statements by colleagues or managers that can be used for your performance record. Were there reasonable grounds to believe that you were ruthless? Your employer will have to prove that there are reasonable grounds for believing that you are incapable of doing this job. The evidence they can use includes: examples of your working statements from the performance goals of line managers you missed. If you don't accept criticism, if you don't accept the vanity, the real reason is why you were You will have to look for inaccurate and inconsistent evidence in your employer's evidence to show the court why you think you have been unfairly dismissed. Performance goals If you think you have been set as nonsense performance targets, you will need to demonstrate that no reasonable employer would set that goal. The employer has the right to set difficult performance targets, especially if others meet them. You'll have to show that the target was relentless, or that you were the only person she asked to meet and that colleagues were given easier targets. Has your employer conducted a reasonable investigation into your performance? The court will look at whether your employer has been able to study why you are performing poorly and whether any reasons have contributed to this. The court will ask: what your employer did to investigate your performance, who they were talking to and what evidence they were getting, whether you could do anything else to find out why you were poorly executed, there were reasons why you were ruthless, such as poor health, family problems or stress. If there were other reasons why you were ruthless, your employer should admit it, and the court will want to see what support they have given you. In some cases, your employer would have to adjust your working environment in accordance with the discrimination legislation. If they have not done so, you may also be able to claim discrimination. More about the discrimination claim Have you been told about the remasence? The Court will examine whether you think you have been alerted to your failed results and the consequences of failed improvements. The Court will want to know whether: you have been told before that your performance is necessary to improve and what measures have been taken against you have warned that you may be fired if your performance does not improve your employer, who has offered you training or mentoring support. If you have been offered support, the court will want to know: when it took place, whether it was appropriate, whether it helped. If you were not offered support, the court will want to know: what support you needed, how it would help, how easy it would be for your employer to do this, why do you think they did not offer support. It will help your case, if you can prove additional support, it would help you improve, but that your employer did not offer it. Have you been given a reasonable opportunity to improve? The court will be looking for time between you when you were first told that there was a problem and your dismissal. If you have not been given enough time to improve your work, this will help your case. How much time you should be given to improve and how many warnings you should have received before you were made will depend on how long you have been employed, whether the changes were made in the workplace or in your workplace by the Civil Service Tribunal expect your employer to provide support for whether you have cooperated with the procedure, or if there are other reasons for your mismatch, such as family problems or ill health. have you improved at all. Have you been offered a suitable alternative job? The court will decide whether your employer has offered you a suitable alternative job and whether you could do more to find you another job. If you really don't have the skills to work, it may not be appropriate to offer you an alternative job. However, it will depend on the circumstances. For example, if you were to fight a change of duty, it might be reasonable to consider moving you to another job instead of being fired. Was it reasonable to fire you? The court will check whether your employer has really found that you are unable to do your job after having done a proper investigation, using reliable evidence to support their claim to try steps to help you improve, which has not been enough time to improve. If your employer has done all this, the court would normally consider it appropriate to fire you because you were unable to do your job. However, your employer must follow the correct procedure when you are disciplined and dismissed. If they have not done so, you will be able to claim unfair dismissal on this basis. However, if the court thinks you were unable to do this job, the compensation you will receive would be reduced. This is known as Polkey reduction. Learn more about reducing polkey Next steps

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