

Problems with an employees performance

If there are problems with someone's performance at work, employers should try to understand why.

Performance issues might be to do with:

- capability – someone's ability to do their job
- conduct – someone's behaviour at work

What kind of problem it is affects how employers should respond.

Supporting someone to improve

Employers should take steps to try and help someone to improve, before starting a formal disciplinary procedure.

These steps are sometimes called a performance management procedure. They are mainly used for those with the [legal status of employee](#).

Someone is not likely to be an employee if they're:

- an agency worker
- a casual worker
- on a zero-hours contract

To help maintain good working relationships, employers might want to use the same procedure for anyone with the [legal status of worker](#).

It's important for employers to keep a record of any conversations they have with employees about performance.

If it's a capability issue

It's a capability issue if the problem is with the employee's ability to do something.

In this case, their employer could help them improve by offering:

- support, for example through coaching or mentoring
- training

Employers must provide 'adequate resources' to enable an employee to do their job. This might include giving them training.

Reasonable adjustments

If an employee has a disability, employers must make reasonable adjustments. These are changes that remove or reduce a disadvantage related to their disability.

Sometimes, capability issues might be resolved by making reasonable adjustments. For example, giving someone who is dyslexic more time to do written tasks.

[Find out more about reasonable adjustments](#)

Performance improvement plans

If informal steps don't work, employers could consider setting up a performance improvement plan (PIP). This is sometimes called a training or development plan.

Performance improvement plans should set out:

- specific objectives for the employee
- a reasonable timeline to meet them
- any further support or training they need

Employers should talk to the employee about the plan to make sure they understand it. It's also a good idea to share a written record with them.

If the employee does not improve

The employer should make clear what will happen if the employee does not make the required improvements.

This could be:

- an extension to the timeline in the performance improvement plan – if they improve but not to the level agreed in the plan
- a final written warning, followed by a dismissal if the issue continues

The employer can only dismiss them if they follow a fair procedure. Dismissal should be a last resort.

[Find out more about dismissals for capability](#)

If an employee is off sick

If sickness prevents an employee from doing their job, their employer should take steps to support them back to work.

This might include:

- making changes to their role
- using a phased return to work

Dismissing someone because their illness prevents them from doing their job should be a last resort.

If their illness might be classed as a disability, their employer must do everything they reasonably can to support them.

Find out more about:

- [sickness and ending employment](#)
- [capability and performance when someone is disabled](#)

If it's a conduct issue

It's a conduct issue if the problem is with the employee's behaviour, rather than their ability to do the job. Employees usually have more control over conduct issues.

Some examples of conduct issues include:

- calling in sick when they're not genuinely ill
- being absent without permission
- not following health and safety guidelines, if they've been trained in and understand them
- 'insubordination' – for example, refusing to do work
- bullying

Employers should still talk to employees informally first if there are problems with their conduct. This can help to:

- resolve the problem more quickly
- avoid formal procedures

This is unless the issue is more serious, sometimes known as 'misconduct' or 'gross misconduct'. In this case, the employer might need to start a formal [disciplinary procedure](#).