

# MANAGING PERFORMANCE POLICY

## 1. INTRODUCTION

This policy has been established to help and support staff to achieve and maintain good standards of job performance consistent with their terms and conditions of service. It provides a fair and consistent method for dealing with situations where a member of staff has not willfully or deliberately fallen short of required performance standards, but where a lack of skill, knowledge or aptitude is preventing them from performing at the required level. It is important for managers to address performance issues at an early stage; delaying or doing nothing will only exacerbate the situation.

All staff when commencing in a role either when newly recruited to the University or via an internal move/promotion should discuss and agree with their line manager their required initial development plan and this should clearly set out core expectations and objectives within the role, On-going this should be informed by the appraisal process, against which managers can assess performance.

Capability procedures are not appropriate in the event of alleged misconduct or where it appears under-performance is deliberate or willful. In such circumstances, disciplinary procedures are a more appropriate course of action. Our Sickness Absence Policy sets out arrangements for dealing with cases of frequent or long-term sickness absence. Nonetheless, if a capability case encompasses both performance and absence issues, the arrangements set out in this policy will usually apply.

## 2. SCOPE

Other than staff on probation, these procedures apply to all employees. Issues relating to conduct during an employee's probationary period will be managed in line with the Guidance for Managing

Probation. Issues relating to absence at work will be managed in line with the Absence Management Policy. Issues relating to performance will be managed in line with the Managing Performance Policy. In the event of there being serious concerns about capability the manager may consider moving straight to the formal or any other stage in the process without recourse to completing every previous stage of this policy. Issues relating to conduct in all work- and work-related settings will be managed in line with the Disciplinary Policy.

### **3. PROCEDURE: INFORMAL PROCESS**

Before embarking on formal performance management procedures, managers should first consider the circumstances of the apparent under-performance. There are two key questions to be considered:

- Has the required performance standard (i.e. the work requirements) been defined and clearly communicated to the employee?
- Are these standards achievable in the circumstances or are external factors having an adverse effect (such as poor systems, equipment breakdown, unclear instructions, ill health, disability, pregnancy, lack of time/resource, no induction/appraisal undertaken with clear objectives set, change of role etc.).

Managers must bring concerns about standards of work, output, or quality to the attention of the employee concerned as soon as possible. This may normally be done through scheduled one-to-one meetings, however if there may be a delay in awaiting a scheduled meeting, the manager will arrange to meet the individual to discuss at the earliest opportunity. It is not usually appropriate to delay raising concerns until an appraisal meeting.

During this informal period, managers must:

- Ensure the staff member is aware of the required standards and how their own performance compares.
- Listen carefully to the staff member's views and consider any mitigating factors.
- Listen to staff members comments and ensure feedback is balanced feedback reflecting positives as well as negatives.
- Ensure appropriate training and supervision is in place to support the staff member, as required.
- Ensure reasonable adjustments are made to support staff with disabilities.
- Consider what steps may reasonably be taken to help staff manage work/life demands.
- Be clear as to where concerns exist around performance and document this in writing including any agreed actions or improvements. An email or shared 1:1 note would suffice in

this respect and an agreed timescale for visible improvement in performance should be documented (usually no more than one month).

- Should a manager require further guidance and support regarding this stage of the process they should speak with their People Business Partner.
- Individuals do not have the right to be accompanied at an informal meeting to discuss performance concerns or a right of appeal against a manager expressing that they feel there are performance concerns.

After a reasonable / the agreed period, the manager should meet with the individual again, and if there is limited or no progress, the manager should then consider progressing to the formal procedure. There is no requirement to produce a detailed improvement plan at informal stage as by the very nature of this process, concerns should be raised, discussed and the required standard or performance articulated. Where concerns exist which are significantly serious and which are considered by the manager to require addressing immediately through a structured, formal procedure, the manager may commence performance / capability discussions at the formal stage of this process.

#### **4. PROCEDURE: FORMAL PROCESS**

Prior to embarking on formal performance management procedures, managers can discuss the issues with their People Business Partner so that appropriate guidance and advice can be given if required.

##### **Step 1: Formal Meeting**

A formal performance management / capability meeting will usually be conducted by the line manager and may be supported by a notetaker if required.

- The purpose of the meeting is to make the staff member aware that there are concerns over the ongoing level / standard of work performance, to set a reasonable formal review period for improvement, and to establish any further support measures.
- The staff member will be notified of the date, time, and venue for the meeting by the line manager; the purpose of the meeting, and that they may be accompanied by a work colleague employed by the university or trade union representative only.
- If the staff member or their preferred representative is unable to attend on the date given, they may suggest a reasonable alternative date provided this is within five working days of the original date offered.
- Where availability of the preferred representative is a continuing difficulty, the staff member may be obliged to find an alternative person to accompany them.

- The meeting does not form part of a disciplinary procedure. During the meeting, the staff member must be given specific instances of their shortfall in performance (including where relevant, the impact of the underperformance).
- The staff member should be encouraged to reflect on whether they agree there is a problem and what they think might be the root cause. It may not always be possible to reach a point of agreement on the matter and so evidence of underperformance and capability concerns should have examples to justify them.
- There should be a discussion about what could be done by the individual to ensure an immediate and sustained improvement in performance and a Performance Improvement Plan developed. Where necessary, reasonable support needed by the individual should be agreed and documented.
- If the manager conducting the meeting is satisfied appropriate and reasonable help and support has been offered to the staff member prior to the formal meeting and where improvement is still required following the formal discussion, a formal written warning can be issued at this stage.

A written summary of the outcomes of the meeting should be drafted by the manager and a copy will be sent to the staff member confirming:

- The performance issues discussed including required standards and past shortcomings.
- The agreed improvement plan, including any specific actions agreed for additional support and/or training, and frequency of planned supervision.
- The timescale in which improvements must be achieved - depending on the nature of the job usually a period of 1-2 months will be appropriate however depending on the severity of the performance concerns a shorter period may be more appropriate.
- If appropriate, details of any formal warning issued specifying the date the warning was given and the period for which the warning will apply.
- Agree a date for the Step 2 Formal review meeting. In some circumstances it may be appropriate to meet more than once to develop an agreed improvement plan.
- Formal written warnings are placed on the personal file but will expire after 12 months.

## **Step 2: Formal Review Meeting**

The purpose of this meeting is to review the outcomes of the improvement plan and decide what (if any) further action is required.

- The meeting will normally be conducted by the manager who led the previous formal meeting, assisted by a member of the POD team.

- As before, the staff member will be notified of the date, time and venue for the review meeting, the purpose of the meeting, and will be advised that they may be accompanied by a work colleague or trade union representative. If they are unavailable, the same guidelines apply as per Step 1.
- Again, the meeting is formal to review progress against the agreed improvement plan.

Possible outcomes of this meeting are:

- Performance has improved to a satisfactory level. In these circumstances it may be appropriate to plan one or more further formal review to ensure the improvement is sustained.
- Performance has improved to an extent but continues to fall short of the required standard, if there are any mitigating circumstances as to why the required standard has not been achieved a further improvement may be considered and a final formal written warning given. If there are no mitigating circumstances a decision to dismiss could be taken.
- Performance has not improved at all, and significant concerns remain. A decision to dismiss will be taken.

If dismissal is the outcome, redeployment may be considered (see section 6 below)

## **5. REASONABLE ADJUSTMENTS**

While disability is in no way routinely associated with performance problems, managers must consider the possibility that under-performance is the result of a disability or other factors which may require reasonable adjustments to be made. If this is the case, there is a statutory duty to make reasonable adjustments to the working arrangements to help reduce the disadvantage the staff member might otherwise experience. For example, it may be reasonable to provide specialist equipment to assist the staff member or to re-organise work allocation within a team. The manager may wish to seek advice from their People Business Partner

## **6. REDEPLOYMENT**

While there is no positive duty on employers to create a job for a member of staff who is incapable of performing the role for which they are employed, opportunities for redeployment will be considered. The POD team will assist by identifying vacancies for which the member of staff concerned may meet the minimum criteria described in the person specification.

Vacancies will not normally be held for longer than 3 working days while a member of staff considers whether it may present a suitable alternative. If the member of staff wishes to be considered for such a post, they will usually be invited to attend for an interview with the recruiting manager. They may also be asked to undertake job related tests.

If it appears that the individual could reasonably do the alternative job after a basic level of training, and the individual is willing to be transferred to the alternative role, the appointment should be offered. The job may be offered based on a trial period of up to 6 weeks, in exceptional cases this could be extended to 12 weeks if additional training is required. In the event of redeployment to an alternative post of a lower grade because of capability proceedings, salary protection will not be available.

Redeployment discussions may be required to run concurrently to notice which has been issued for dismissal.

## **7. DISMISSAL**

Dismissal on grounds of underperformance / capability will not normally occur unless at least one formal written warning has been issued. However, dismissal may occur at any point in the process if the concerns are sufficiently serious and it is considered that it is not sustainable or reasonable for the usual process to be exhausted (due to the impact on the business of the continued serious underperformance). If dismissal is a possible outcome of any meeting, the member of staff must be notified in writing of this possibility in advance of the meeting. Managers considering dismissal on

grounds of underperformance / capability must consult with their People Business Partner (or other senior People & OD representative) prior to dismissal. Payment in lieu of notice may be made.

## **8. THE RIGHT TO APPEAL**

Employees have a right of appeal against a written warning or dismissal. Such appeals will be heard by a senior member of staff of the University at least one level above the dismissing manager and not previously involved in the case. Any appeal should be lodged within 5 working days of receipt of the warning and should clearly state the grounds for the appeal. The Appeal process following dismissal will be followed. The details for which can be found by clicking [here](#).

## Appendix A - Capability / Performance flowchart

Informal	Formal	Formal Review	Potential Outcome
<p>Issues/ concerns raised during usual management meetings / 1:1 or where necessary through a specially convened meeting.</p> <p>Manager indicates what the concerns are, the impact and what improvement is needed and by when.</p> <p>Requirements confirmed in writing (i.e. on shared 1:1 notes or via email)</p> <p>No longer than 1 month, but timescale should be set according to the required activity/improvement (in some cases a lesser period of time may be reasonable)</p>			<p>Performance improves to required standard and capability concerns are alleviated prior to a requirement to move to formal process. Concerns would usually be low level to remain and be resolved at informal stage only.</p>
<p><b>*Where concerns are serious the manager reserves the right to commence discussions at the formal stage in order to immediately invoke a structured performance improvement plan.</b></p>			
	<p>Concerns raised under usual management discussions / 1:1 do not result in improvements required. OR where concerns are sufficiently serious and impact of underperformance significant.</p> <p>Formal Performance Improvement Plan drawn up with actions and activity required and time-scales.</p> <p>Most plans should span between 1-2 months. It would be exceptional for a plan to need to exceed 3 months. The time-scales are the full duration of the process, and a mid-point review may need to be put in place to monitor ongoing progress before the final review.</p>	<p>Agreed / required actions and activity (improvements) are formally reviewed to assess progress made and level of concern / impact which remains.</p> <p>Formal review should occur at the end of the agreed improvement period or may be brought forward if additional concerns come to light through the formal process, or if the impact of underperformance warrants an earlier review.</p>	<p>Improvement may be achieved and sustained resulting in no further action (formal sign off)</p> <p>Improvement may not have reached required standard in a reasonable timeframe – a further extension may be given, or a decision may be reached on the seriousness of the concerns and the impact on the lack of improvement to the required standard.</p> <p>Formal review may result in dismissal on grounds of capability / underperformance.</p>