

Supporting Performance Improvement Procedure

Guidelines for Managers

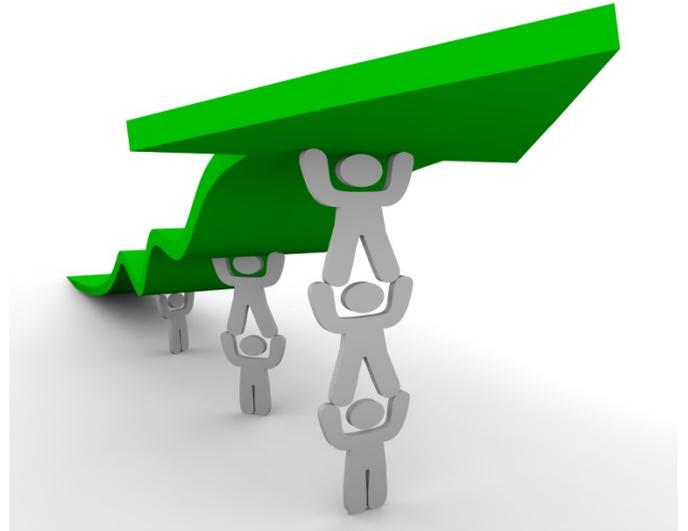
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Introduction

The University's Supporting Performance Improvement Procedure is based upon the recognition that fair, transparent and consistent treatment of all employees is necessary in handling all issues related to performance.

At UWS we want to ensure that all of our staff succeed in the delivery of their roles and we are committed to providing them with a working environment that supports and enables them to be the best that they can be. We recognise that at times that performance standards are not always achieved and that there can be a range of reasons for this (skills, capability, external factors) and we will use the Supporting Performance Improvement Procedure with a view to supporting colleagues to achieve the right standards of performance



The objectives of our Supporting Performance Improve Procedure are to:

- provide a constructive framework for dealing with staff who are failing to achieve a satisfactory level of performance at work;
- be corrective rather than punitive;
- ensure that individuals are clear about the performance standards expected of them, and have fair and reasonable opportunity to achieve these;
- ensure that relevant additional support or training is provided to the individual at an appropriate stage.

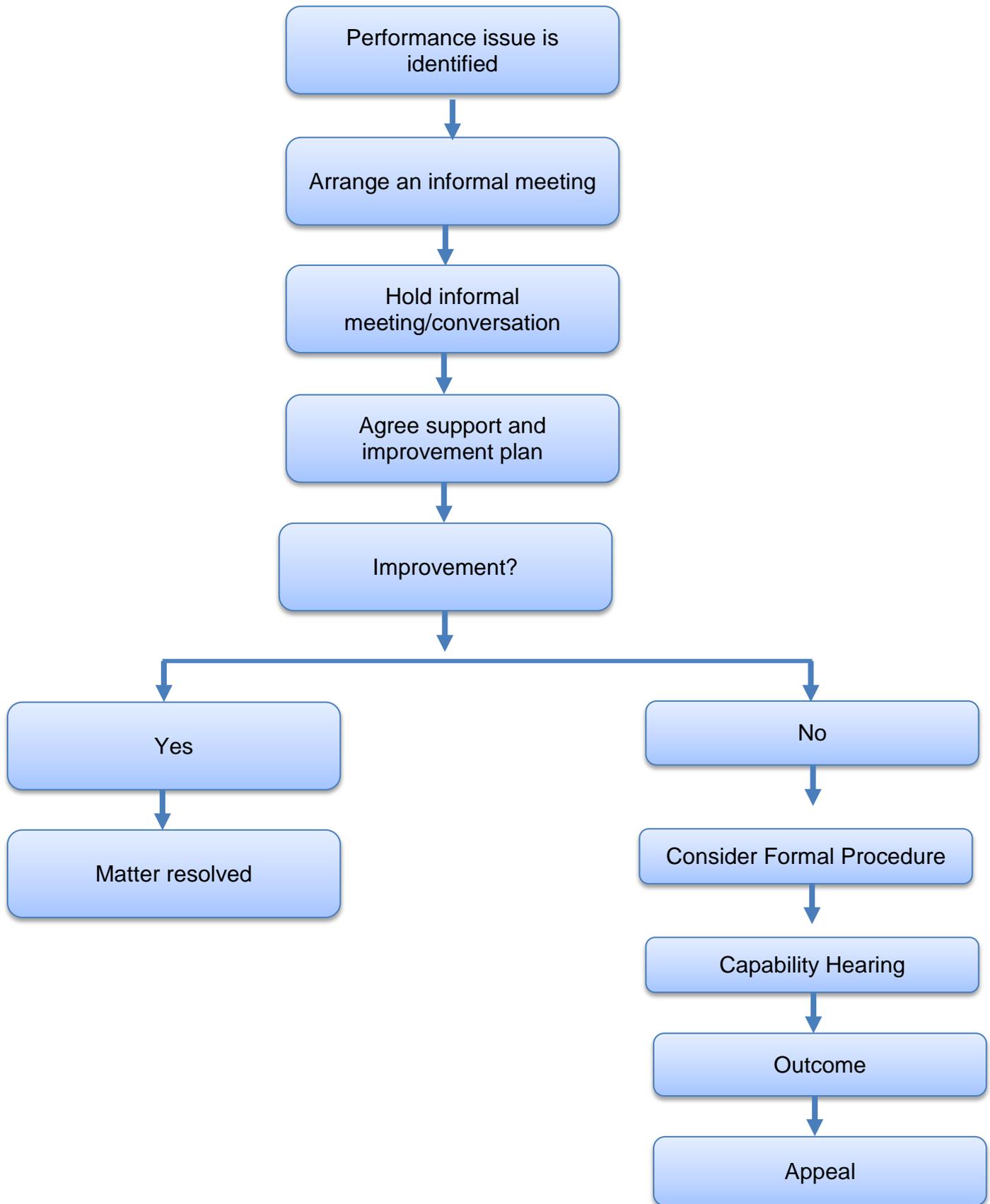
All organisations need to have in place a fair, consistent and equitable policy and procedure to ensure all aspects of performance standards are maintained. Our procedure aims to provide staff and managers a framework within which they should operate. It is important that everyone knows and understands the standards of performance that is expected of them during their employment with the University, and conversely, what they can expect from the University

The procedure is governed by legislation as well as the ACAS Code of Practice for Disciplinary & Grievance (2015) and therefore as a manager, you do have to fulfill your legal obligations to ensure that there is a timely, fair, consistent and transparent approach taken throughout the procedure.

A key underlying principle of this procedure is that it is to support individuals to achieve satisfactory levels of performance we strongly recommend that any issues are talked quickly and informally. It is important that line managers tackle issues promptly and as they arise, they shouldn't be saved up for feedback at the My Contribution final review stage.

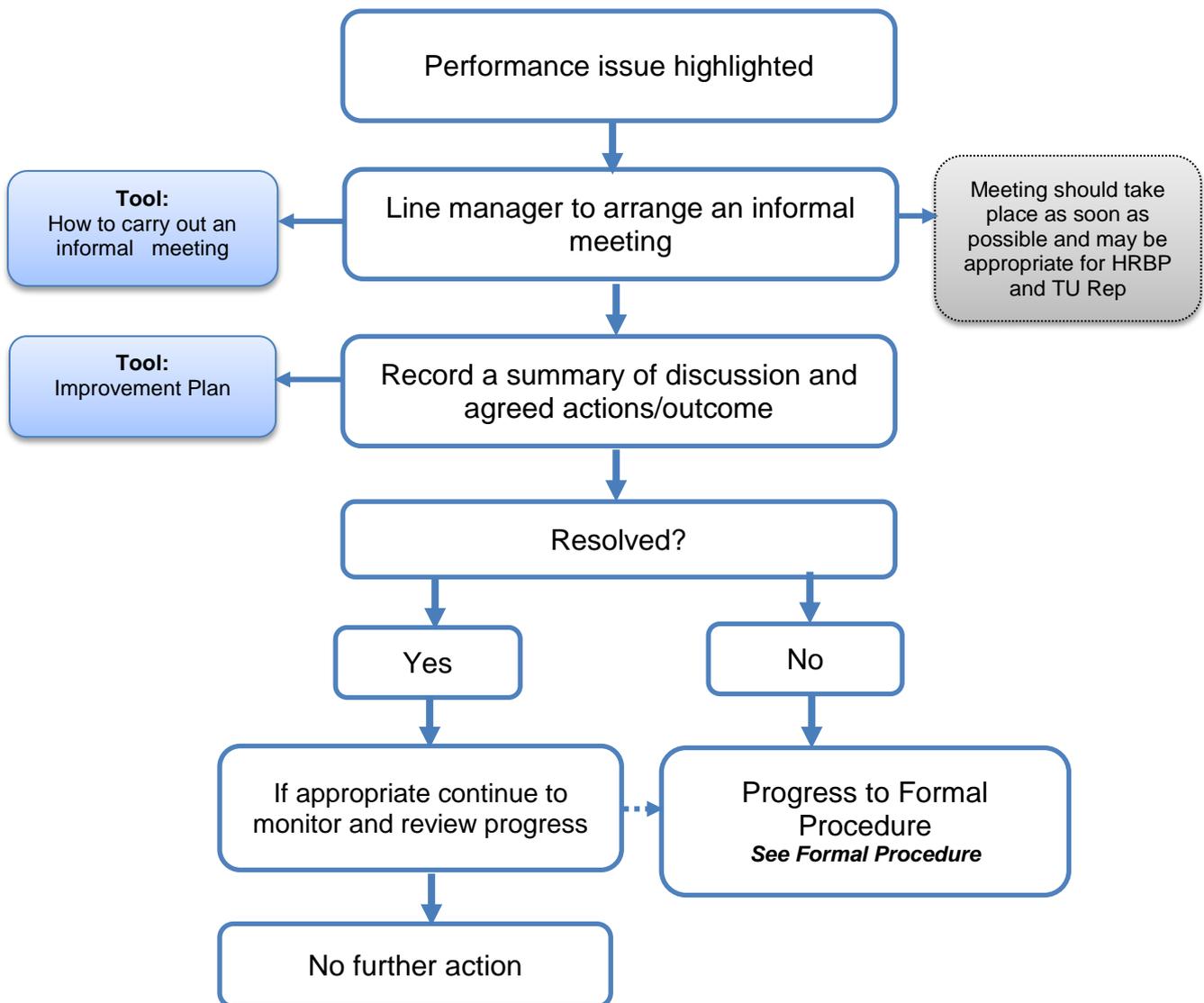
The Procedure at a Glance

Overarching Supporting Performance Improvement Procedure



Informal Resolution

Informal Resolution: Procedure Flowchart



Informal Resolution

It is our firm commitment to aim to resolve minor cases of unsatisfactory performance informally as we recognise that these situations are usually best resolved using an informal approach. Wherever possible, all relevant parties will work together at the informal stage in an effort to avoid formal stages of the procedure being initiated.

Informal resolution may include:

- Case Conference
- An informal conversation
- Coaching
- Mentoring
- Training

Case Conference

A case conference can be held with the appropriate people, this normally works best when the employee is a member of the trade union and a meeting is convened to discuss the issue and to jointly agree what the best resolution would be. Prior the case conference being arranged, the employee will need to agree that they are happy for the manager to contact the trade union representative to discuss the issue.

An Informal Conversation

In some circumstances, such as minor performance issues, the line manager should discuss this with the individual, outlining the performance issue and clear expectations. The line manager should discuss any concerns that the individual has and put a plan of support in place to help the individual meet the expected levels of performance.

There could be a number of reasons affecting an individual's ability to perform, it is important that you have an open and honest conversation around your concerns. It may be an internal factor, for example, skill, time etc or external factor, for example, family issue.

Listen to the individual and tailor the support to individual circumstances, for example, if someone has external factors affecting their performance, a temporary change to working hours might help. If it is skill related, coaching or training might be effective. The support should be discussed and agreed with the individual.

Coaching/Mentoring

As part of informal resolution, coaching or mentoring could be identified as an action that will help and support the employee to ensure that they perform in a way that the University expects. Normally the coaching/mentoring is informal and the coach/mentor can be either someone from within or outwith the department/school. Selecting an appropriate coach or mentor will depend on the individual needs and circumstances.

The purpose of mentoring is to provide additional support to less experienced colleagues / employees who generally, are new to the university, are working towards promotion or have been promoted to a bigger role. Mentoring has been described as a process in which a person (mentor) is responsible for overseeing the career and development of another person.

A mentor is usually an individual who has previous experience in a similar type of role, and can understand the problems and politics associated with the role. This enables the mentor to help the mentee think about what is expected of them in the role, help them to grow in the role, help them to keep going when they are finding the role difficult and to encourage them to discover ways in which they can deal with obstacles or problems .

The Mentor will use their own experience to ask questions of the mentee that will help lead them to their own solutions.

The Talent & OD team can provide guidance on how to work with a mentor and also advise on the selection of a mentor from individuals with the appropriate skills and commitment.

A **coaching** session is a totally confidential, one-to-one meeting between an individual and a coach. The process of coaching involves the individual and the coach getting together to have a learning conversation with a focus on moving forward.

Coaching can help develop a greater awareness and appreciation of individual circumstances. In addition it may also create new ways to resolve issues, produce better results and generally achieve goals more easily.

Coaching promotes a greater self-awareness, and fuller appreciation of the individual's situation and circumstances. Sometimes, change can be promoted by a simple shift in perspectives. Coaches use their own experience to ask questions that lead to new insights and conclusions, helping the individual develop their own wisdom and experience.

Training

It may be that the issue can be resolved quickly by a leaning and development intervention that has not been previously identified.

Further advice on informal resolution is available from People & OD.

How to... carry out an informal meeting

This is for guidance purposes only, we recognise that the manager will need to determine the best approach based on the individual circumstances.

Prepare

- Arrange an informal meeting, preferably, fact-to-face to discuss the issues and concerns
- Ensure that you meeting location is private and that you won't be disturbed
- Plan what you are going to say and how you are going to support the individual

The meeting

- Hold an informal meeting, confirming that this an informal meeting aimed at supporting the individual to achieve the expected levels of performance
- Be specific on what the issue is
- Have an open and honest conversation with the individual, ask them if there is a reason that you are unaware of that is causing unsatisfactory performance
- Allow them to explain concerns, provide any evidence or information relating to their concerns and discuss the impact these concerns are having on them and/or their role
- Explore how issues can be addressed and what the employee is seeking in terms of a resolution
- Agree any follow up action
- Advise of support available to the employee (OH, Health Assured etc)
- Advise that the key points of discussion/support arrangements/timescales will be noted and a copy provided

Record

- Record a summary of the discussion and any agreed actions/support/outcomes
- Store securely, as they may be required at a later stage in the process

Review

- Review progress as regular intervals, ensuring that the agreed support is being implemented and that performance is improving
- If performance does not improve as expected, advise the employee that the issue may progress to the formal stages of the procedure

Supporting Performance Improvement Plan

General Notes:

- The Supporting Performance Improvement Plan aims to provide a supportive approach to helping individuals improve in areas of work where their manager has identified there are ongoing and persistent performance issues, where attempts to address these issues through normal management practice have not been successful. The Plan should be developed through discussion between the manager and the staff member once performance issues have been articulated and understood. Any issues which may be identified as a contributory factor in the performance issue should be included in the development of this document. This may include any reasonable adjustments in cases of disability.
- During the period of the Plan the employee's performance will be monitored to assess if appropriate improvement is being made. If the expected outcomes are not achieved/improvements attained more formal action may be initiated under the procedure. Managers are encouraged to consult People and OD at an early stage, but People and OD must always be contacted if a manager is considering formal action.
- By the end of the review period set out within the Plan, with the support and time provided it is hoped that the staff member's performance will have reached the required standard. If this is the case, the manager will still work closely with the staff member to ensure that this standard is maintained beyond the cessation of the Plan. This is part of the normal managerial practice through regular discussion.

Individual Details:	
Name	
Job title	
Department	
Date of Initial Meeting	
Name(s) of other attendee(s)	
Performance review period end date	

The Plan

	Performance Issue & Improvement Required:	SMART Objective	Review dates	Support	Dependencies
				If none are required, please explain why.	
1	Improvement required: E.g. Improve the collection and collation of data to allow contract and performance monitoring and data returns.	E.g. Contract Spreadsheet to be updated weekly by Friday. Use SMART objectives.	Regular meetings should be set up to review progress towards each objective and logged on the table below.	Support (including reasonable adjustments, development, training, flexibility, other) and date to be provided. E.g. A reminder that data needs to be returned weekly.	E.g. Dependent on timely provision of data returns from colleagues.
2	Insert additional performance issue that requires support and improvement				
3	Insert additional performance issue that requires support and improvement				

Template: Progress Review Meeting

Individual Details	
Name of employee	
Job title	
Department	
Date of Review Meeting	
Name(s) of other attendee(s)	

	SMART Objective	Progress update	Support	Dependencies
			If none are required, please explain why.	
1	Copy in	e.g. has the objective been met/partially met etc	e.g. has support/training been delivered in this period and what impact has it had.	e.g. has progress been affected by dependencies.
2				
3				

General Comments by Line Manager

General Comment by individual

Investigation

An investigation within the scope of the Supporting Performance Improvement Procedure will depend on the specific circumstances of the case and whether the facts are disputed or clear and the seriousness of the matter.

However, often an investigation relating to capability normally involves gathering of the facts relating to an individual's performance and the previous informal procedures to address concerns/support them.

Whilst in other instances, for example a complicated disciplinary case an investigation may require the planned and systematic gathering of data, interviewing of relevant witnesses and analysing relevant documents/records/policies before reaching a decision as to whether a formal hearing should be convened.

You may wish to establish the facts by considering:

- Information previously provided to the individual to ensure they understood what was expected of them
- Action taken to ensure the staff member aware of concerns/expectations
- Reasonable support offered/implemented
- Any special circumstances/mitigating information

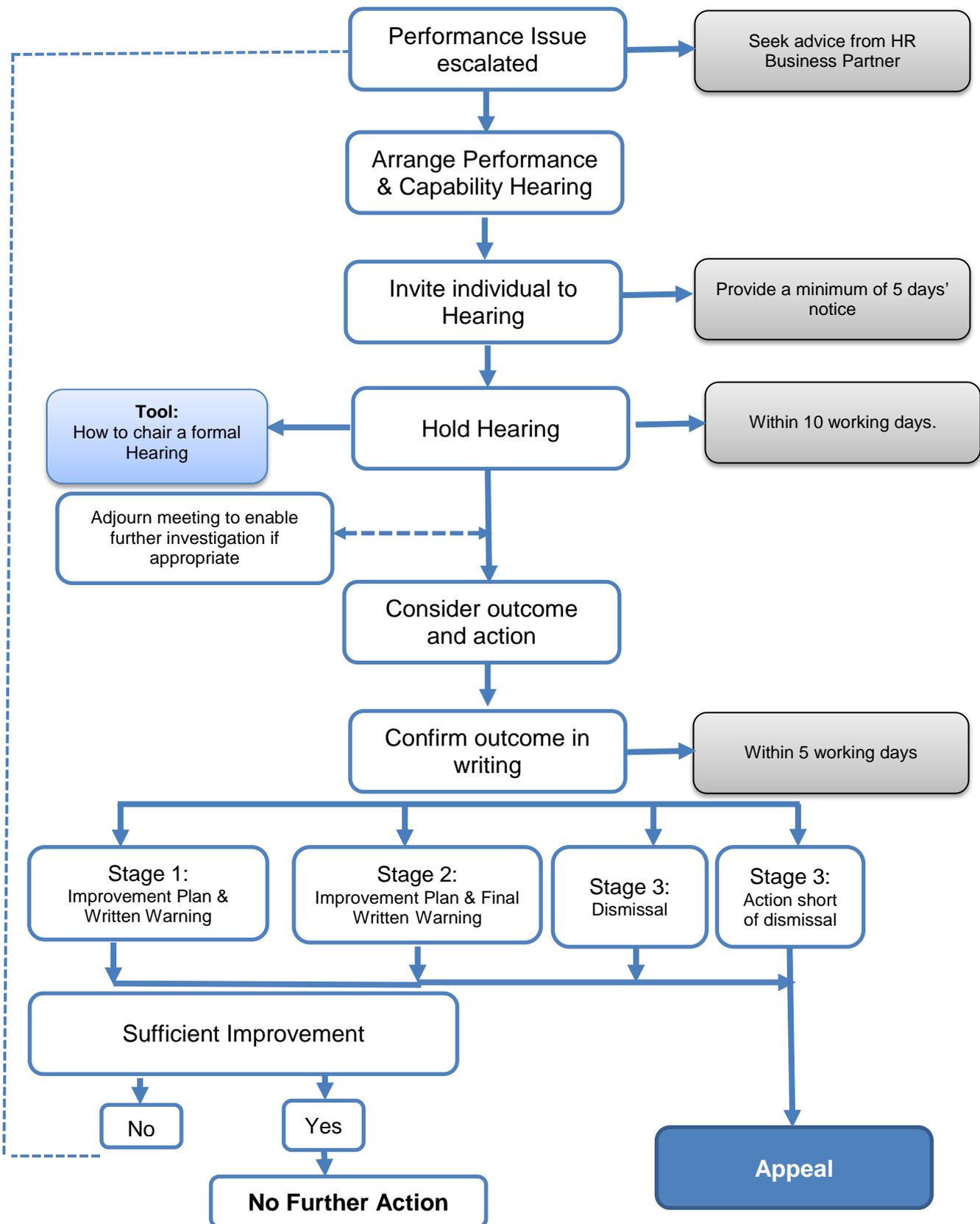
Formal Procedure

If the unsatisfactory performance is serious enough or informal resolution does not result in the required level of improvement, you should progress to the formal procedure. You should always consult with your HR Business Partner prior to initiating the formal procedure

The Supporting Performance Improvement procedure provides a fair framework that you can manage performance issues in a constructive, objective and supportive way. It mirrors that of the Disciplinary Procedure which is designed to manage conduct issues.

Formal Procedure

Formal Procedure: Flowchart



How to... Chair a Formal Hearing

Prepare

- Ensure the location for the meeting is appropriate, private and where there will not be any interruptions
- Ensure an appropriate representative from P&OD will be available to take notes
- Read all relevant information/evidence that has been submitted
- Consider whether any reasonable adjustments are needed for the individual or their companion
- Consider if the issue could be resolved informally
- Prepare questions

The Hearing

Open the meeting

- Welcome everyone to the Hearing and make any introductions as necessary
- Outline the procedure
- Confirm that all in attendance has all of the documentation
- Advise that adjournments can be requested at any point
- Advise that notes will be taken and shared with all
- Ask the individual/their representative if they have any questions/concerns before the Hearing starts

Conducting the Hearing

- Ensure that the individual is clear about why they are there and that this procedure could lead to a formal warning/dismissal
- Invite the manager to present the case/evidence of performance issues and evidence of what support has been provided
- Invite the individual to explain their case and mitigating circumstances
- Ask any questions that are appropriate of the manager and/or individual
- Consider adjourning the meeting if it is necessary to investigate new facts which arise
- Sum up the main points - allow the individual to sum up too
- Advise the individual of the next stage, ie, taking time to consider the evidence

Closing the meeting

- After the discussion, you may wish to adjourn to consider everything that has been said
- Confirm that the individual will receive written notification of the outcome within 5 days along with
- Ask if anyone has anything final to ask/add

Record

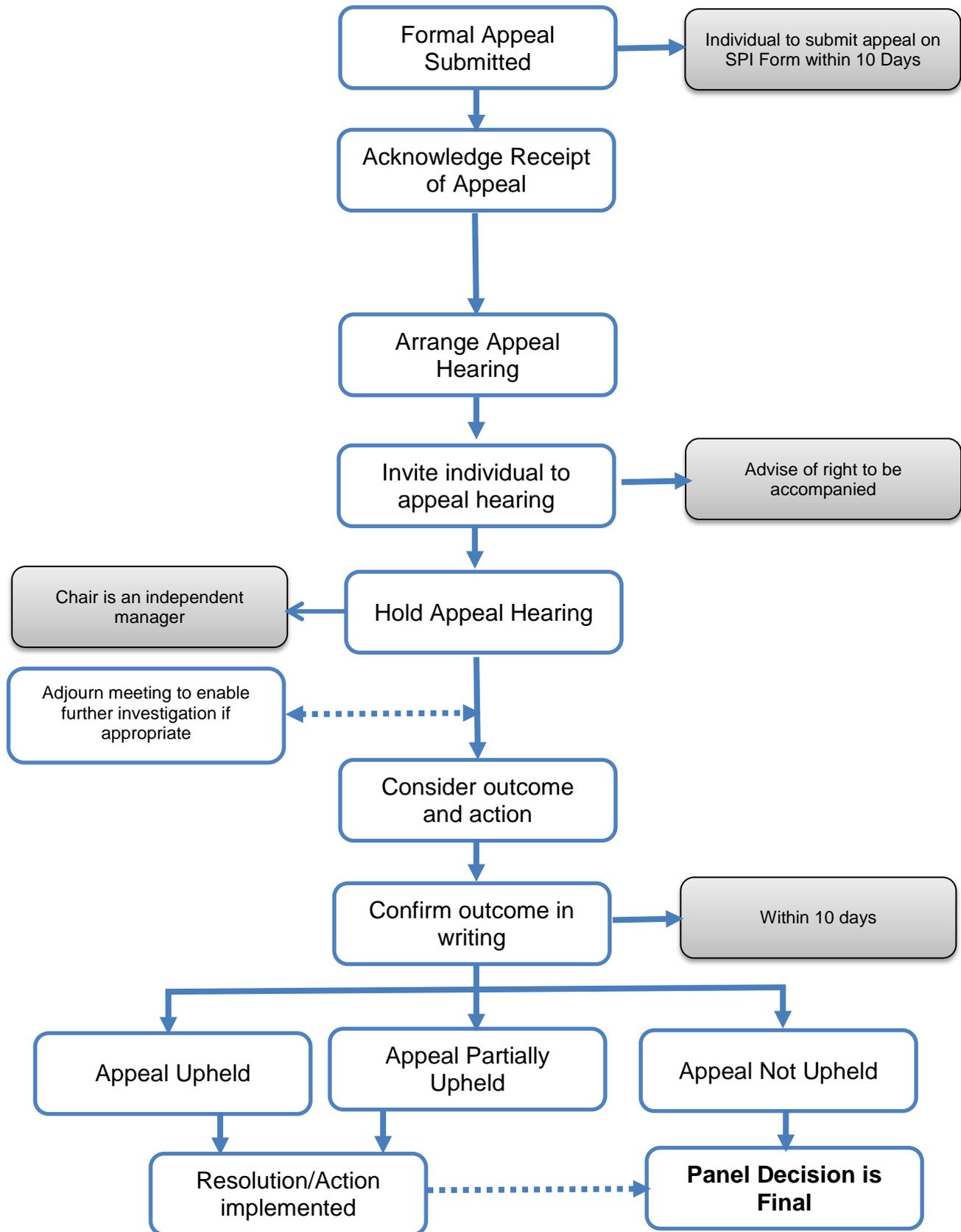
- Record a summary of the discussion
- Ensure notes are factual and accurate
- Store securely, as they may be required at a later stage in the process

The Outcome

- Ensure that you have carefully considered the complaint and resolution
- Advise the individual in writing of your decision along with any proposed actions that the school/department will take as a result of the complaint
- Advise the individual of their right of appeal if they are not satisfied with the outcome
- Ensure that any action taken is monitored and reviewed, as appropriate

Appeal Procedure

Formal Performance & Capability Appeal: Procedure Flowchart



Appeal Procedure

In accordance with good practice and the ACAS Code of Practice, an individual has the right of appeal against the outcome of the Supporting Performance Improvement Procedure.

The ACAS Code of Practice states:

- Where an employee feels that the disciplinary action taken against them is wrong or unjust they should appeal against the decision
- Appeals should be heard without unreasonable delay at an agreed time and place
- Employees should let employers know the grounds of their appeal in writing
- The appeal should be dealt with impartially and wherever possible by a manager who has not previously been involved in the case
- Workers have a statutory right to be accompanied at appeal hearings
- Employees should be informed in writing of the results of the appeal hearing as soon as possible

The appeal must be submitted in writing using the Notification of Appeal against Performance Improvement Appeal form (PIA 1) within 10 days of receiving the notification letter, stating the grounds of appeal.

On Receipt of an Appeal

If an individual chooses to appeal against the outcome of their Hearing, it is good practice to acknowledge receipt of the appeal. The Head of HR Services will make arrangements for the appeal to be acknowledged who will also identify an appropriate manager to hear the Appeal. This will be someone that has had no prior involvement of the case.

Notification of Appeal Hearing

Once the manager/committee for the Appeal has been confirmed, a representative from the Department of People & OD will write to the individual confirming the arrangements for the appeal and advising them of their right to be accompanied to the Hearing. We advise individuals that every effort should be made to attend the Hearing, however, they should notify the Head of HR Services if they are unable to attend due to circumstances out with their control as soon as possible.

The appeal hearing will be held normally no later than 10 working days after receipt. If, due to the complexity of the case this timescale will not be met, the Head of HR Services will write to the individual with a defined timescale.

The Appeal Hearing

The appeal hearing is not a re-hearing, it's purpose is to review the original decision in light of the individual's specific grounds of appeal (eg where the individual feels that there has been undue consideration to the evidence/mitigating circumstances). A re-hearing would only be appropriate in circumstances such as procedural flaw.

How to... Conduct an Appeal Hearing

The following is for guidance purposes, the Chair of the Appeal Panel will determine the most effective way to conduct the hearing.

<h2>Preparation</h2>	<ul style="list-style-type: none"> • Ensure that the individual has been invited to the appeal hearing and has been provided with a copy of all the information • Consider if any reasonable adjustments are required for the individual or their representative • Ensure the location of the appeal is suitable, private and where there will be no distractions • Ensure that a member of the People & OD team will be in attendance to take notes and to provide advice/guidance on procedures and employment law • Ensure that you have read all of the relevant documentation • Prepare any questions in advance
<h2>Conducting the Hearing</h2>	<ul style="list-style-type: none"> • Introduce all parties that are present and explain their role • Explain the purpose of the Appeal (i.e. to address the specific grounds of appeal) • Explain that the appeal will be conducted in a fair and impartial way and what the possible outcomes could be • Invite the individual to state their specific grounds of appeal, why they consider the original decision to be incorrect • Ask any relevant questions • Invite the individual to ask any questions • If new evidence or information emerges, it may be appropriate to adjourn to allow for further investigation – if this is the case, you should reconvene within a reasonable time • At the end of hearing, you should sum up the facts • Explain that a decision will be made in full following full consideration of the facts and evidence presented. This will be communicated in writing to the individual no later than 10 days following the Hearing • Explain that the decision is final, no further right of appeal
<h2>After the Hearing</h2>	<ul style="list-style-type: none"> • The manager/committee should carefully consider all of the evidence and reach a decision • This decision should then be communicated in writing within 10 days of the Hearing • If the appeal is upheld, the any actions identified should be communicated to the individual
<h2>Record Keeping</h2>	<ul style="list-style-type: none"> • As well as a record of any informal resolution and formal hearings, you should ensure that you retain all documentation, evidence and correspondence relating to the appeal • Records should be kept confidentially and in accordance with data protection principles

Supporting Performance Improvement Appeal Form (SPA1)

This form is to be used when an employee is submitting an appeal against a decision taken against them under the Supporting Performance Improvement Procedure. The Form should be submitted to the appropriate manager in accordance with the 'Table of Delegated Authority' contained within the Disciplinary Policy & Procedure.

Notification of Appeal Against Supporting Performance Improvement Action

Name:	
Job Title	
Department/School	
Date you received the outcome:	

Grounds of Appeal

Please set out the grounds of your appeal. Employees should note that an appeal hearing is not intended to repeat the full detailed investigation of the performance and capability hearing, but to focus on specific factors which you feel have received insufficient consideration, or for consideration of new evidence has subsequently become available.

Signature:	
Date:	

For Office Use only:

Date Received:	
Name:	

Additional Support

Workshop

You can attend a 2 hour workshop on Supporting Performance Improvement. For the current schedule visit the intranet.

HR Business Partner

Your HR Business Partner will be able to provide you with advice and guidance throughout the Supporting Performance Improvement Procedure. You will find contact details [here](#).

UWS Development Toolkit

UWS subscribes to the Good Practice Development Toolkit and this licence gives all staff access to an extensive range of articles, exercises, case studies and info-graphics which will assist with their continued professional development. Many of the resources provide additional reading and will supplement the workshops run by Talent and OD staff.

To log onto the UWS Development Toolkit click **here** and use your Account Id (eight digit AD number) and normal system password.

ACAS Code of Practice

The ACAS Code of Practice for Discipline & Grievance (2015) sets the expectations that we should comply with and is available [here](#).

Whilst it is not a legal provision, a tribunal can award an extra 25% compensation to an individual if we have not followed the ACAS code.