

Supporting Performance Improvement Procedure

This procedure should be read in conjunction with: Supporting Performance Improvement and Employee Relations Appeals Procedure

1 INTRODUCTION

The success of the University depends on the contributions from all our staff. We recognise that the majority of our staff meet or exceed the demands of their role. We will ensure that staff are aware of what is expected of them and will support them to achieve and maintain high standards of performance.

However, performance issues can and do arise. We are committed to ensuring that our staff are treated consistently, fairly and equally in these situations. Our procedure on has been developed in accordance with the ACAS Code of Practice on Disciplinary and Grievance Procedures (2015).

Managers will, where possible, seek to resolve performance issues informally.

Matters relating to performance will be dealt with as quickly as circumstances allow. Throughout the procedure, individuals concerned will be kept up to date with any new developments.

Performance matters will be treated in confidence at every stage of the procedure in accordance with the ACAS Code of Practice and the data protection legislation.

The University reserves the right to start the formal procedure at any level depending on the seriousness of the performance issue or where an earlier pattern of unacceptable performance has been established.

Individuals have the right to be accompanied by a trade union representative or work colleague throughout all stages of procedure.

A flowchart of the overarching supporting performance improvement procedure is available in Appendix 1.

2 OBJECTIVES OF PROCEDURE

The main focus of this procedure is to support an employee to attain an acceptable level of performance.

The objective of this procedure is to provide a framework that:

- encourages a working environment where performance is managed positively and appropriately;
- encourages early informal resolution of issues;
- ensures that issues are managed sensitively, fairly and consistently .

3 PROCEDURE

3.1 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.

Informal resolution may include:

- Case Conference with the relevant parties (HR, Trade Union, Manager)
- An informal conversation
- Identify coaching, mentoring or training needs

As soon as an individual's performance gives cause for concern, in the first instance the Line Manager consult with the HR Business Partner and then arrange informal meeting with them to explain and discuss the matter, in a supportive manner.

Specific actions and timescales for improvement agreed as a result of the informal meeting will be documented and the individual will receive a copy. A template is available within the Guidelines: Supporting Performance Improvement.

The Line Manager and the individual will review progress against any specific actions over the term of the informal review period.

All relevant parties will work together throughout the informal stage in an effort to avoid formal stages of the procedure being initiated.

If informal action does not result in improved performance, or poor performance is considered too serious to be resolved informally, the formal procedure will be initiated.

Prior to moving to formal action under this procedure, the Line Manager should seek advice from their HR Business Partner to confirm that informal resolution has been unsuccessful. If the formal procedure is to be instigated, the Line Manager will advise the individual.

3.2 Formal Procedure

The HR Business Partner must be consulted through all the formal stages of the procedure.

The Line Manger should be able to clearly demonstrate to the individual why the matter is progressing to the formal stage of the procedure, what support has been provided and examples of continued underperformance.

The formal procedure has three stages and is aligned to the University's Disciplinary Procedure.

3.3 Notification of Formal Proceedings

Where the Line Manager has established the need for formal procedures, the individual will be invited to attend a Performance Hearing.

The individual will be provided with at least 5 working days' notice of the hearing and will be notified in writing of:

- The date, time and location of the hearing along with the allegations that will be considered during the hearing
- The Manager responsible for the hearing
- Their right to be accompanied by a trade union representative or work colleague
- Their right suggest any witnesses and
- The possible outcomes as a result of the hearing

Prior to the hearing, the individual will receive a copy of any information/evidence relevant to the allegations.

Should the individual or their representative/work colleague have any written information that they wish to be considered at the hearing, they should submit this to the HR Business Partner at least 2 working days in advance of the hearing.

3.4 The Performance Improvement Hearing

An appropriate Manager will be appointed to hear the case, in accordance with our 'Authority to Take Action' guidance in Appendix 2.

The purpose of the hearing is to discuss the concerns and to:

- Clearly define the expected level of performance and the gap between that and the individual's performance.
- Explore possible causes of the unacceptable level of performance, review the support, if any, that has already been provided and investigate what other support can be provided.
- Provide the individual with an opportunity to present any facts and evidence.
- Set and agree a Supporting Performance Improvement Plan and agree how and when it will be monitored and reviewed.

Any formal action will reflect the seriousness of the performance issue and will either be:

- Level 1 – First Written Warning
- Level 2 – Final Written Warning
- Level 3 – Dismissal or Action Short of Dismissal

The Manager will carefully consider the evidence presented and determine the appropriate outcome. The outcome of the hearing will be confirmed in writing to the individual within 7 days of the hearing.

3.5 Level 1 – First Written Warning

A first written warning will set out the nature of the performance issues, the details of the expected levels of performance, any available support and will remain on the individual's record for 6 months subject to satisfactory performance.

The individual will be notified of their right to for appeal.

During the period of the warning, regular review meetings will take place.

Unsatisfactory improvement or further breaches under this procedure may lead to a final written warning or dismissal if the issue is sufficiently serious.

Review Meetings

At the agreed review date(s) an assessment of progress will be undertaken at a meeting with all relevant parties. Dependent on progress, the range of outcomes are:

- The individual's performance has improved satisfactorily and no further formal action is required.
- The individual has made substantial improvement, but not to the full level required, the line manager can elect to extend the review period for a further agreed period of time.

- The individual has made little or no improvement, the matter will progress to the next level of the formal process.
- Alternatively, depending on the circumstances of the individual, other action such as redeployment to an alternative role may be considered.

3.6 Level 2 – Final Written Warning

If the individual has a current warning about performance then unsatisfactory improvement or further performance issues may warrant a final written warning. This may also be the case where 'first offence' unsatisfactory performance is sufficiently serious but would not justify dismissal.

A final written warning will set out the nature of the performance issues, the details of the expected levels of performance, any available support and will remain on the individual's record for 12 months subject to satisfactory performance.

The individual will be notified of their right to for appeal.

During the period of the warning, regular review meetings will take place.

Unsatisfactory improvement or further breaches under this procedure may lead to dismissal or action short of dismissal.

Review Meetings

At the agreed review date(s) an assessment of progress will be undertaken at a meeting with all relevant parties. Dependent on progress, the range of outcomes are:

- The individual's performance has improved satisfactorily and no further formal action is required.
- The individual has made substantial improvement, but not to the full level required, the line manager can elect to extend the review period for a further agreed period of time.
- The individual has made little or no improvement, the matter will progress to the next level of the formal process.
- Alternatively, depending on the circumstances of the individual, other action such as redeployment to an alternative role may be considered.

3.7 Level 3 – Dismissal or Action Short of Dismissal

In reaching a decision to dismiss, prior careful consideration to other options including action short of dismissal such as demotion, redeployment to another role might be appropriate. The individual will be notified in writing of the appropriate sanction and the reason(s) for it.

If, however, dismissal is to proceed the individual will receive a letter confirming:

- The reason(s) for the dismissal
- The date on which their employment will terminate
- Their right and arrangements for appeal

The Manager must ensure that they have taken advice from an HR Business Partner prior to confirming dismissal or action short of dismissal. This is to ensure procedures are

appropriately adhered to and to advise managers on the equitable employment practice and consistency of approach.

An individual dismissed under this practice is entitled to their contractual notice. A decision will be made as to whether the individual will work their notice or be paid in lieu of notice. This decision should be made by giving consideration to the circumstances of the case.

4 OTHER PROVISIONS

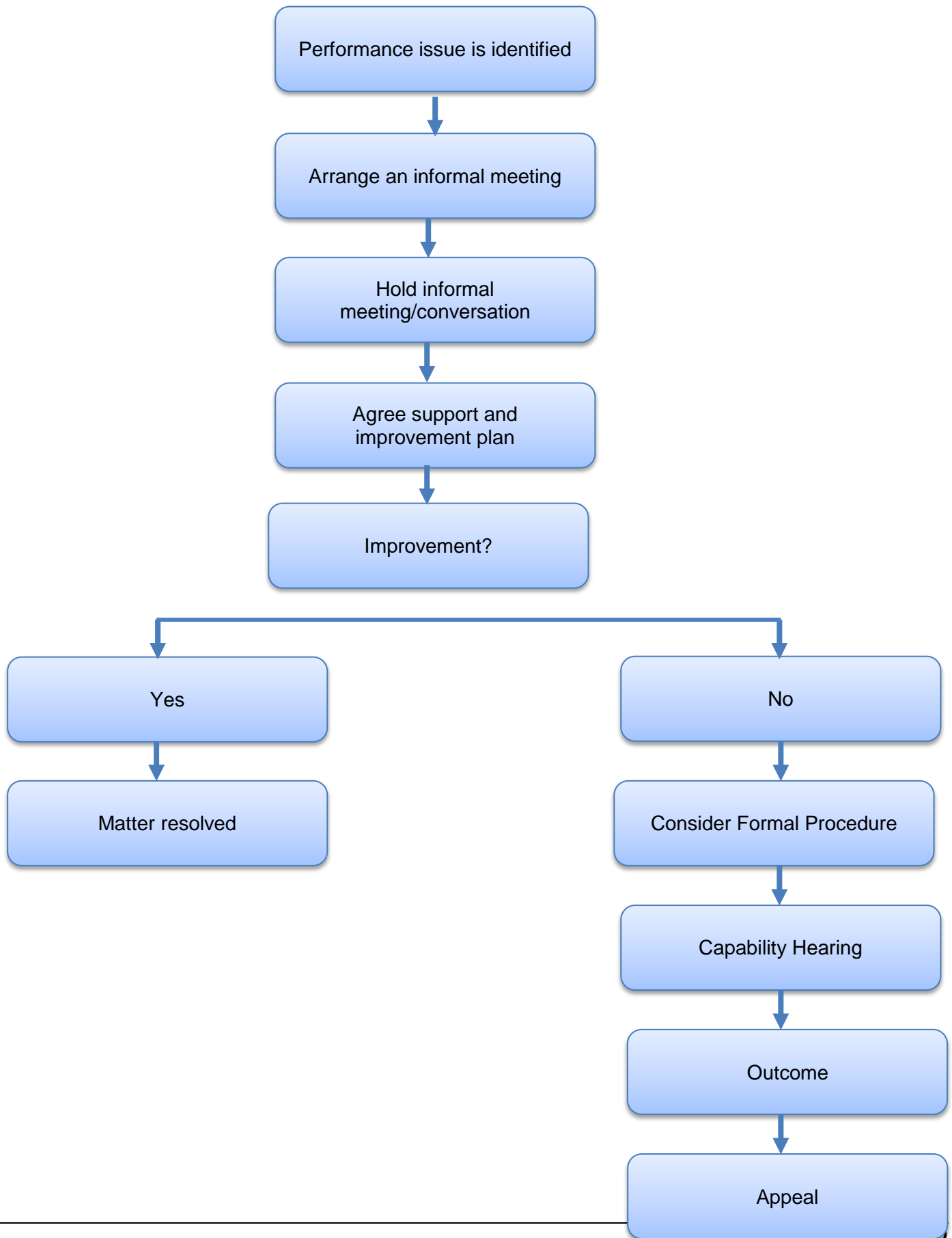
No formal action should be taken against accredited trade union representatives until there has been a discussion with the appropriate official employed by the trade union. This is to ensure compliance with the provisions of employment legislation.

Individuals are expected to make every effort to attend the hearing and will normally be given the opportunity to attend 2 arranged hearings. If they have failed to attend the second hearing without good cause, a decision on all of the evidence available will be taken in their absence. This decision will then be communicated in writing to the individual. Advice should always be sought from the HR Business Partner.

Reasonable adjustments will be made in the operation of this procedure for staff or companions who have a disability as defined by the Equality Act 2010.

Procedure Author – Employee Relations & Performance Adviser	Procedure Owner – Director of People and Organisational Development
Parent Policy Statement - People and Organisational Development	Public Access or Staff Only Access – Public and Staff
Version 3 – Approved June 2018	Changes and Reason for Changes – POD Policy Review

Appendix 1: Overarching Procedure



Appendix 2: Authority to Take Action

Sanction	Professional Support Services Staff		Academic Staff		Leadership Forum		Executive Group		Principal	
	Performance Hearing	Appeal	Performance Hearing	Appeal	Performance Hearing	Appeal	Performance Hearing	Appeal	Performance Hearing	Appeal
First Written Warning	Appropriate Line Manager	Manager senior to line manager or suitable depute	Appropriate Line Manager	Manager senior to line manager or suitable depute	Line Manager	Manager senior to line manager or suitable depute	Principal	Court Appeals Committee	Chair of Court	Court Appeals Committee
Final Written Warning	Appropriate Line Manager	Manager senior to line manager or suitable depute	Appropriate Line Manager	Manager senior to line manager or suitable depute	Line Manager	Manager senior to line manager or suitable depute	Principal	Court Appeals Committee	Chair of Court	Court Appeals Committee
Alternative Sanction	Director, Senior Manager or designated depute	Disciplinary Appeals Committee	Dean of School, Senior Manager or designated depute	Disciplinary Appeals Committee	Line Manager	Disciplinary Appeals Committee (LF)	Principal	Court Appeals Committee	Chair of Court	Court Appeals Committee
Dismissal/Summary Dismissal	Director, Senior Manager or designated depute	Disciplinary Appeals Committee	Dean of School, Senior Manager or designated depute	Disciplinary Appeals Committee	Line Manager	Disciplinary Appeals Committee (LF)	Principal	Court Appeals Committee	Chair of Court	Court Appeals Committee

Notes:

- Appeals Committee for Professional Services and Academic Staff will consist of 1 member of the University Leadership Team who will act as Chair and 2 members of the Leadership Forum.
- Appeals Committee (LF) will consist of 1 member of the Vice Chancellor's Executive Group and 2 members of Court.
- Court Appeals Committee will consist of 3 lay members of Court, the Director of People & OD, or Head of HR Services/Head of HR (Reward, Performance & Employee Relations) will be in attendance at Disciplinary Appeals Committee and Court Appeals Committee