2.2.06

# Procedures for Improving Performance

###### **Introduction**

1. This document describes the procedures to be followed for dealing with situations where an employee’s performance in a job is considered to be unsatisfactory. There are different sets of procedures to be followed if the employee is still within their probationary period of employment. Where a breach of rules and /or regulations is alleged this will be dealt with using the Disciplinary procedures. If an employee is experiencing ill-health which is leading to performance problems, this will be dealt with using the ‘management of health’ procedures.

###### **Principles**

1. The University will apply recruitment and selection procedures which ensure that as far as possible people are recruited to posts that are within their capabilities; that the required outputs and standards of performance are made clear to employees; that these are reasonable and achievable; that employees have opportunities to improve and are supported in this; that the process of staff review and development identifies any changes in the nature of the work and that these are supported by relevant training.
2. Employees of the University will be expected to co-operate with the process described in this document and undertake any staff development that is identified as being necessary to help achieve the improvement.
3. Action will be taken under these procedures on the basis of objective evidence and full investigation of the circumstances
4. Confidentiality will be observed by all parties and details will not be disclosed to anyone other than those who are directly involved in the process.

#### **Stage One - informal**

1. When a performance problem is first recognized, the immediate line manager should arrange to discuss the matter with the employee. This discussion would typically include:
* exploring the perceptions about the situation, the circumstances which prompted the discussion and establishing the facts;
* identification of the standard of job performance that is required using the job description as a basis and in what respect performance has not been met; this might include qualitative and quantitative measurements
* the links between the role that the individual is required to undertake and how this relates to departmental and institutional objectives; the effect on achieving these objectives if the individual’s performance does not improve
* exploring the reasons for the situation by listening to the employee; and
* attempting to reach agreement on how and by when acceptable performance should be achieved.
1. Examples of factors that may also be considered, such as:
	* + - 1. the design of the job and any changes that have occurred;
				2. the need for and provision of training;
				3. ergonomic factors;
				4. health factors, although these will be dealt with using different procedures;
				5. workplace relationships; and
				6. external/domestic/family considerations.
	1. At the conclusion of the discussion, if a performance deficit has been identified there should be an action plan aimed at rectifying the situation, along with review dates. This will be recorded and the member of staff will be given a copy. In any event, a brief note of the meeting will be made and agreed, and a copy retained by the employee and the line manager.
	2. At the end of the review period the immediate line manager will discuss progress with the member of staff using the action plan as a basis. The manager may conclude that:
* the problem has been resolved;
* the review period should be extended with some modification to the action plan if appropriate; or
* the problem is largely unchanged and the formal procedure will be applied.

## Stage Two – formal

* 1. If a problem persists it may be necessary to institute more formal procedures. This will be in the form of a formal meeting called by the Head of Department who will be accompanied by another member of the staff with no previous involvement in the matter, this might be a personnel officer. The employee will be given the opportunity to be accompanied by a trade union representative or fellow employee.
	2. When notifying the individual of the need for a formal interview the notification will include:
* the date, time and venue of the meeting;
* details of who will be present;
* full but concise written details of the performance issue, including any additional information available since the first informal meeting; and
* the right to be accompanied by a trade union representative or fellow employee.
	1. The objectives of the formal stages, as for the informal stage, are to explore the issues and possible remedies but in a formal context. The discussion might include, as appropriate:
	+ discussion of the performance concerns.
	+ factors described in paragraphs 6 and 7 above
	+ the specific issues of the individual’s work and the need and provision of resources for staff development of the individual to address these.
	1. Details of the performance issue will normally be outlined together with relevant background information. The member of staff and his/her representative/fellow employee will be entitled to state their views and question any statement and comment generally.
	2. Notes of the meeting and the outcomes of this stage of the procedure will be agreed and formally recorded and a copy issued to the individual concerned. This will include the time-scale over which performance will be reviewed, and an indication of the likely consequences should the member of staff’s performance not improve following the undertaking of the agreed action plan.
	3. The individual has the right to appeal at this stage, as described under paragraph 26 below.
	4. Progress will be monitored by the Head of Department and discussed with the member of staff regularly at further review meetings until the institution is satisfied that either:
* the standard of performance is acceptable and likely to be sustained; or
* it seems likely that, despite action taken, the required performance will not be achieved in the post.

### **Stage Three- formal**

* 1. If there is insufficient improvement in performance action will be taken at Stage Three. A senior manager with no previous involvement in the matter, together with a personnel officer, will be responsible for the conduct of the procedure at this stage, with the Head of Department also in attendance. This consists of a further formal interview with the member of staff arranged as for Stage Two, including the right to be accompanied and for any additional information to be presented. The member of staff will be told at the interview that, having regard to all the circumstances and facts, the situation with regard to performance had not improved and remaining options are to be explored.
	2. These may include:
* revision of the duties of the substantive post;
* retraining or redeployment to suitable alternative employment within the institution
* and/or a recommendation to seek alternative employment outside the institution; advice and support will be available to assist the person in this process.
	1. Notes of the meeting will be taken and sent to those attending for agreement. At the conclusion of the meeting a letter will be sent to the member of staff formally notifying him/her of the outcome. The letter will contain written advice to the member of staff that if, after review, his/her performance continues to be unsatisfactory, then dismissal could result. The right of appeal will be included as described below in paragraph 26.

##### Alternative employment

* 1. Where all attempts at redefining duties and redeployment within the relevant department have been exhausted, the University will consider redeployment elsewhere within the institution. Appropriate training will be provided. A trial period of at least four weeks in the alternative role will be agreed. If the trial period is unsuccessful, a further meeting will be held of those involved.
	2. Other options include:
* redeployment to a lower graded post as an alternative to dismissal;
* voluntary termination on appropriate terms; or
* dismissal with notice or pay in lieu of notice.

##### Dismissal

* 1. If it is decided that dismissal is the appropriate option, this will be referred to the Vice Chancellor for confirmation. In these circumstances the Vice Chancellor (or his/her nominee) will interview the employee, accompanied by his/her chosen representative, in the presence of the Head of Personnel. Where the decision is taken to dismiss the employee written confirmation of the dismissal will be given as soon as reasonably practicable, setting out the reasons for the dismissal; the date on which employment will terminate; the amount of pay in lieu of notice (where this is appropriate); the right of appeal to the Governors which is described below.

### **Ill-health**

* 1. Where a member of staff has become temporarily unable to fulfil his/her duties through ill-health, this will be dealt with using procedures specifically developed for this purpose.

##### Suspension

* 1. On occasion it may be necessary to suspend temporarily a member of staff from duty owing to his/her inability to perform his/her duties. In this event, the decision to suspend will be made by the Vice Chancellor, based on information provided by the Head of Department. Suspension is not to be regarded as a disciplinary sanction. The period of the suspension provides time for further discussion and for options to be explored. Normal salary will be paid during the period of the suspension.

##### Appeals process

* 1. At any stage of the formal procedures an individual has the right to appeal to a nominated senior manager with no previous involvement in the matter. The grounds for any appeal must be made in writing by the individual and submitted to the Head of Personnel, who will, after consultation with other senior managers, identify the person who will hear the appeal. A meeting will be held at which the individual and their representative will be able to statethe reasons for the appeal. The Head of Department will also attend the appeal meeting. Notes of the meeting will be taken and sent to those who attended for agreement. The outcome from the appeal will be notified to the individual within ten working days of the meeting being held.

 **Appeal against dismissal (Article 6.18: Articles of Government)**

* 1. This is an appeal against the Vice Chancellor’s decision made to the Governing Body whose decision shall be final. The employee or his/his representative should set out in writing the grounds for the appeal; the name of the representative whom the appellant wishes to accompany him/her to the appeal; the names and status of any witnesses; copies of any written evidence to be submitted to the Governors. All papers relating to the matter will be submitted by the Vice Chancellor.
	2. The hearing of the appeal shall take place at a meeting of the Governor’s Personnel Sub- committee convened to consider the matter. The decision of the Governors will be confirmed to the employee and her/his representative in writing.
	3. If the decision of the Governors is to uphold the decision to dismiss, the employee has access to the prevailing external legal system for making an appeal. The offices of the Advisory, Conciliation and Arbitration Service may be consulted by either party.