

Performance Management Policy and Procedure

1 Introduction

- 1.1** Whilst the University expects its employees and staff to comply with this policy, it does not confer contractual rights or form part of any contract of employment and may be amended by the University or replaced at any time following appropriate consultation and negotiation with recognised trade unions.
- 1.2** This policy will be reviewed by the Human Resources department on a 3 year basis or amended in response to changes in future legislation, case law or the ACAS code.

2 Ownership

The Human Resources department owns and manages this policy on behalf of The University of Northampton.

3 Organisational Scope

- 3.1** This policy is a corporate policy and applies to all employees (and workers, if applicable) of The University of Northampton including any wholly owned subsidiaries, unless an alternative policy exists, subject to any qualifying conditions. It does not apply to Senior post holders for example the Vice Chancellor.

4 Policy Statement

- 4.1** To ensure the continued success of the University it is essential that all staff understand what is expected of them and perform effectively in their roles.
- 4.2** This policy aims to provide a framework for managers to support improvements in performance when staff performance falls below expected standards, whilst ensuring all staff are treated in a fair and consistent manner.

5 Key Principles

- 5.1** The University will not discriminate on the grounds of gender, race/ ethnicity, disability, age, sexual orientation, religion or belief or lack of, pregnancy/ maternity, marriage/ civil partnership or gender reassignment when applying this policy and associated procedures.
- 5.2** Where failure to perform is as a result of ill health, the University's Absence Management Policy and Procedure will be used.
- 5.3** This procedure is designed to enable managers to address issues of unsatisfactory performance where this is due to ability. Where the failure to perform to the standards required is a matter of misconduct, the University's Disciplinary Policy and Procedure will be used.
- 5.4** As part of good management practice, managers should discuss the employee's performance on a regular basis and should consider any support or training to assist the employee to meet the standards and/or objectives required.
- 5.5** All employees have a contractual responsibility to the University to perform their role to a satisfactory standard and managers should ensure that job descriptions are kept up to date as these define the key tasks and duties required of role holders and performance should be measured and monitored against these. As a minimum the job description must be reviewed annually as part of the Performance Development Review process.
- 5.6** All employees are required to complete a formal probationary period at the start of their employment, during which time (in accordance with the Probationary Policy), support and training are given, and objectives are set and regularly monitored. Ensuring performance is monitored and measured effectively during this period should help minimise performance issues later.
- 5.7** After an employee's probationary period, his/her line manager should continue to provide support in a variety of different ways, including but not limited to:
- Monitoring the quality of work outputs (accuracy, standard and timeliness in completing tasks)
 - Measuring achievement of both informal and formal objectives
 - Holding regular one-to-one/team meetings
 - Observing daily work routine (dealing with/ teaching students, presentation of work, interaction with colleagues/students, engagement with training and development)

- Reviewing customer/student/colleague feedback and success

Additionally, there is also the formal University Personal Development Review (PDR) policy and process, whereby each employee should receive a PDR which may identify areas for improvement and training requirements. The PDR is also the basis for setting objectives for the coming year, against which staff will assess their performance and improvement/achievement.

- 5.8** On occasions, both informal and formal management intervention is required to support employees and improve performance by providing opportunities for them to obtain further support, training, mentoring, coaching or counselling to meet the satisfactory standards and/or objectives required.
- 5.9** Managers should follow this procedure for staff performance issues in a timely, equitable and consistent manner and will be fully supported in applying this procedure. Advice and guidance is available from their HR contact and management training is available through Staff Development.
- 5.10** Every reasonable effort should be made to improve performance through informal measures (stage 1) in the first instance, giving employees the opportunity to address any performance shortcomings or gaps in skills/knowledge.
- 5.11** Employees are expected to fully engage with performance improvement measures and will be encouraged to help in identifying the reason(s) for their underperformance and contribute to a plan for improvement. Employees who wilfully fail to engage with this process may be dealt with in accordance with the Disciplinary Policy and Procedure.
- 5.12** It is advised that objectives set as part of this process should be Specific, Measurable, Achievable, Realistic and Timely (SMART).
- 5.13** Human Resources does not ordinarily need to be involved at stage 1, however, where appropriate managers and employees are encouraged to seek advice and guidance from their HR contact.
- 5.14** Where there is a performance issue with an employee who is a trade union representative, the normal Performance Management procedure should be followed. It is advisable to discuss the matter at an early stage with an official employed by the union, after obtaining the employee's agreement.
- 5.15** Employees do not have the right to be accompanied at any Stage 1 meetings or at disciplinary investigation meetings; however, requests to be accompanied may be

accommodated if bringing a companion (work colleague or Trade Union Representative or official) does not unduly delay the meeting.

5.16 Unauthorised audio recording of conversations is prohibited. Anyone in breach of this may be subject to disciplinary action.

6 Procedure

6.1 Stage 1 (Informal)

6.1.1 Performance issues are most effectively dealt with early and managers should aim to resolve issues at Stage 1 in the first instance.

6.1.2 Managers should meet with the employee and seek to establish if there are any underlying issues that might be contributing to poor performance. This could be as part of a regular one to one meeting. Where ill health or disability is determined as a contributing factor, managers should consider (in discussion with HR, where necessary) what reasonable adjustments could be made or support given to enable the employee to perform effectively in their role.

6.1.3 The Stage 1 meeting should be held in private, any shortcomings in performance discussed and the areas of improvement expected explained. Managers should be constructive by encouraging and motivating the employee and the meeting should not be treated as punitive.

The informal meeting should be to:

- Discuss the areas where performance is falling below the required standards;
- Clarify the employees role and expectations of the role to ensure both parties have an understanding;
- Identify any internal/external factors that may be affecting the employees performance;
- Set and define realistic and measurable targets/objectives and the required timescales for achievement;
- Discuss any additional training or support required to help the staff member to meet agreed objectives;
- Define and agree the dates for reviews;
- Explain the consequences of not achieving the required improvements within the agreed time scales;

The manager should use a Performance Improvement Plan (PIP) to make notes of the initial and review meetings, which should include the issues discussed, agreed outcomes, targets and support, and timescales for improvements and review.

- 6.1.4 The manager should confirm in writing the outcome of the discussions and actions required. The employee should also be advised that failure to reach the required standards within the agreed timescale may lead to Stage 2 performance management under this policy.
- 6.1.5 During Stage 1 of the process, the timescales for review and improvement will vary dependant on individual circumstances and the performance issues identified. However, managers should ensure there are regular review meetings and that Stage 1 is undertaken within a reasonable timeframe – this would normally be a minimum of 1 month and would not ordinarily exceed 3 months.
- 6.1.6 If there has been the required improvement in performance by the end of the agreed period, it should be emphasised that this must be sustained and the employee should be notified in writing. It would normally be appropriate for managers to retain such notes for no longer than a 12 month period in line with Data Protection requirement.
- 6.1.7 Where an employee fails to achieve the required improvements in the agreed timescales and their performance continues to be unsatisfactory, managers should proceed to Stage 2.

6.2 Stage 2

- 6.2.1 Once the manager has determined that Stage 2 of the Performance Management Procedure needs to be followed, in the first instance they should discuss this with their HR contact.
- 6.2.2 The employee will then be invited to a formal performance capability meeting to discuss the concerns regarding their performance, and at this stage the employee should be informed of their right to be accompanied by a companion (work colleague or trade union representative/official). The line manager will chair this meeting with support from an HR representative.
- 6.2.3 The employee will be informed in writing of the meeting, giving at least 5 working days' notice and sufficient information/documentation for them to prepare. At this point, the employee will also be informed of the possible outcomes of the meeting, including the potential for a written warning to be issued.

6.2.4 The manager will accommodate one alternative meeting to take place within 5 working days of the original date if the employee or companion cannot attend due to circumstances outside their control.

6.2.5 At the meeting, the manager should ensure they cover the following:

- The areas where performance is falling below the required standard
- The expectations of the role and standards of performance required
- The actions taken so far to remedy the issues
- If there are any internal/external factors that may be affecting the employees performance
- Setting realistic and measurable targets/objectives and the required timescales for achievement/improvement
- Any additional training or support required to help the employee to meet agreed objectives

The manager should use a Performance Improvement Plan to make notes of the initial and subsequent review meetings, which should include the issues discussed, agreed outcomes, targets and support, and timescales for improvements and review.

During the meeting the manager should ensure a reasonable timescale and review period are agreed, along with dates for further review meetings.

6.2.6 At the close of the meeting, the manager may decide it is appropriate to issue a **first written warning** which would ordinarily remain in force for 6 months. The employee will have the right to appeal the decision in line with process outlined in section 6.5.

6.2.7 Following the meeting, the employee will receive confirmation of any sanction in writing, details of the relevant appeals process, a copy of the performance improvement plan and affirmation of the dates for review meetings. Employees will also be advised that where performance does not improve and meet the required standards, they may be subject to Stage Two of the formal procedure. Copies of the letter and performance improvement plan will be retained by HR in line with Data Protection requirements.

Summary notes of the meeting will be taken and shared with the employee as soon as is reasonably practicable following the meeting.

6.2.8 If the required improvements are made and performance standards are met, this will be confirmed to the employee in writing although it should be made clear that this level of performance must be sustained, and that failure to do so may mean the procedure is reinstated. The warning will cease to be 'live' following the specified period (i.e. 6

months).

- 6.2.9 If the required improvements are not met either at the end of the review or if it is apparent during the review period that these will not be met, Stage 3 of the procedure will be invoked, in consultation with HR.

6.3 Stage 3

- 6.3.1 At the point it is determined performance management processes should escalate to stage 3, the employee will be informed in writing and invited to a formal performance capability meeting to discuss the performance issues. At this stage the employee should be informed of their right to be accompanied by a companion (work colleague or trade union representative/official). This meeting will be chaired by the manager, with support from HR.
- 6.3.2 The manager will accommodate one alternative meeting to take place within 5 working days of the original date if the employee or companion cannot attend due to circumstances outside their control.
- 6.3.3 This stage should follow the same process detailed in section 6.2.3 and 6.2.5.

Additionally, in the meeting the manager should also highlight that the employee currently has a 'live' warning on file. Resultant of this, at the close of the meeting, the manager may then issue a **final written warning** which will ordinarily remain in force for 12 months. The employee will have the right to appeal the decision in line with process outlined in section 6.5.

- 6.3.4 Following the meeting, the employee will receive confirmation of any sanction in writing, details of the relevant appeals process, a copy of the performance improvement plan and affirmation of the dates for review meetings. Employees will also be advised that failure to meet the required standard of performance within the agreed period, may ultimately lead to dismissal. Copies of the letter and performance improvement plan will be retained by HR in line with Data Protection requirements.

Summary notes of the meeting will be taken and shared with the employee as soon as is reasonably practicable following the meeting.

- 6.3.5 If the required improvements are made and performance standards are met, this will be confirmed the employee in writing, although it should be made clear that this level of performance must be sustained, and that failure to do so may mean the procedure is reinstated. The warning will cease to be 'live' following the specified period (i.e. 12 months).

6.3.6 If the required improvements are not met either at the end of the review or if it is apparent during the review period that these will not be met, Stage 4 of the procedure will be invoked, in consultation with HR.

6.4 Stage 4

6.4.1 When a final written warning has been issued and performance has failed to meet the required standards, the employee will then be invited to a formal performance capability hearing chaired by a relevant Senior Manager with support from an HR representative. Where possible another member of HR will attend as note taker.

6.4.2 In preparation for the hearing, the line manager, in consultation with HR, should compile and present a report with documentary evidence to the appropriate Senior Manager and will be present at the formal capability hearing to present the case history and/or answer any relevant questions the chairing manager may have.

6.4.3 The employee will be informed in writing of the hearing, giving at least 5 working days' notice and sufficient information/documentation for them to prepare. At this point, the employee will also be informed of their right to be accompanied by a companion (work colleague or trade union representative/official), and of the possible outcomes from the hearing, up to and including dismissal. The manager will accommodate one alternative meeting to take place normally within 5 working days of the original date if the employee or companion cannot attend due to circumstances outside their control.

At the hearing, the chairing manager will consider all relevant evidence including:

- the case history (support/actions taken so far)
- any representations made by the employee or their representative
- the performance of the employee
- the impact of the performance issues.

After fully considering the above, the chairing manager will determine one of the following courses of action:

- a) That further time should be given, as a last chance for the employee to meet the required performance standards before resulting in dismissal. In this instance, there will be clear expectations and timescales set for the required improvement – timescales should be kept to a minimum and will not ordinarily exceed 4 weeks. The performance improvement plan will be updated to reflect the objectives, actions and discussion.

At the end of the specified review period, the meeting will be reconvened. If the required performance standards have been met and employment continues, the final written warning will remain on file for a full 12 month period from the date the outcome is communicated to the employee. The warning will cease to be 'live' following the specified period (i.e. 12 months), however if during this time performance falls below the required standard the formal capability hearing may be reconvened.

b) That there is no alternative but to dismiss the employee on the grounds of capability. At this point contractual notice will be given and the employee may be informed that they are not required to attend work during their notice period.

The outcome of this hearing will be communicated to the employee in writing as soon as is practicable (normally within 5 working days). The letter will clearly specify the reasons for dismissal and the termination date of employment, and will include details of the appeals process as set out in section 6.5 of this document. In some circumstances it may also be possible to inform the employee of the outcome at the end of the hearing.

Summary notes of the hearing will be taken and shared with the employee as soon as is reasonably practicable following the meeting.

6.5 Appeals

6.5.1 Following receipt of the outcome at any formal stage in the process, an employee may appeal if they feel the outcome/action taken is wrong or unjust. The employee may appeal on a number of grounds, including but not limited to:

- belief the Performance Management Procedure was not followed correctly
- belief the outcome was too severe/inconsistent
- where there is new evidence to be considered.

6.5.2 The employee may appeal the decision made in writing to the Director of HR within 5 working days. The letter must state precisely their grounds of appeal and receipt of the appeal will be acknowledged by HR within 5 working days.

6.5.3 The employee will be invited in writing to the appeal hearing, giving at least 5 working days' notice and will be informed of:

- the potential outcomes of appeal
- details of the procedure
- the right to be accompanied by a work colleague or Trade Union representative
- the right to introduce and comment on any new evidence.

- 6.5.4 The appeal hearing will normally be chaired by a more senior manager, where possible, than the manager who chaired the formal capability hearing, who has not previously been involved in the case, and where possible is external to the Faculty or Professional Service that the employee works in. They will be supported by an HR representative.
- 6.5.5 In the case of appeal against a dismissal the appeal will be heard by a panel consisting of 2 members of University Management Team and supported by a member of the HR Business Partnering team normally within 4 weeks of receipt of the appeal.
- 6.5.6 During the meeting the employee or their representative will be given the opportunity to explain their reason for appeal and any additional evidence.
- 6.5.7 After the hearing, consideration will be given by the Appeal Manager or panel to either uphold, partially uphold or not uphold the appeal. As a result, the original decision or sanction could be upheld, reduced or overturned. If further investigation is required the employee will be informed. No sanction can be increased as an outcome of an appeal.
- 6.5.8 The decision will be communicated in writing to the employee as soon as reasonably practicable but normally within 5 working days of the appeal hearing. On some occasions it may be possible to adjourn the meeting and provide a response on the same day which will then be confirmed in writing. Where further investigation has been necessary the employee will be informed of the timeframe for an expected outcome.
- 6.5.9 The decision of the Appeal Manager (or panel in the case of dismissal) is final and concludes the internal procedure. Employees have no further recourse to appeal within the institution.

7 Additional Information

7.1 Records

- 7.1.1 Written records should be kept of any capability proceedings. The records should be retained confidentially in line with statutory Data Protection requirements and kept for no longer than necessary.

7.1.2 Records should include:

- the performance concerns regarding the employee
- representations made by the employee
- findings made and actions taken
- the reason for the action taken
- whether an appeal was lodged
- the outcome of the appeal
- any grievances raised during the process and subsequent developments
- notes of any formal meetings including action plans

8 Appendices

Appendix 1: Flow Chart Summary

9 Associated Documents

Disciplinary Policy and Procedure
Grievance Policy and Procedure
Absence Management Policy and Procedure
Code of Conduct

10 Equality Impact Assessment

Completed

11 Version Control

Version Control	V1	Approval record	
Author:	HR	Approval:	TU Liaison - 16/11/17 UMT - 5/12/17 JCNC - 13/12/17 Governors - 13/12/17
Date written:	November 2017	Updates:	
Current status:	Approved	Approval of revision:	

Record of Amendments			
Date	Version	Details of Change	Approval
November 2017	V1	<p>General changes to wording to provide clarity and consistency between existing policies and procedures.</p> <p>Format: Updated in line with new policy template including new Intro, Ownership, Organisational Scope, Policy Statement (which contains additional equality information)</p> <p>Key Principles: includes information from previous 'general principles' section and updates to provide clarity on the policy and process.</p> <p>Procedure: Updated in line with disciplinary procedure, including the removal of a verbal warning at first formal stage and increase of 5 days' notice of meetings. With the following additions:</p> <ul style="list-style-type: none"> - Reference to ill health/disability and consideration of support/reasonable adjustments at earliest stage - Guidance for managers on conducting performance capability meetings - New form for recording objectives, support, training and discussions to ensure consistency - Guidance on time scales for each stage - Clarification and further info on each stage, including what information the employee will receive, who will chair each stage, what should be covered in meetings, and full range of outcomes - Stages renamed <p>Appeals: Now includes full process for appeals, updated in line with Disciplinary policy</p> <p>Appendix: Introduction of process flow chart</p>	

**Appendix 1
Summary of Procedure**

