Aston University

PERFORMANCE MANAGEMENT PROCEDURE

1. Purpose

The University recognises the need for a procedure to help, encourage and enable all employees to achieve and sustain high work standards.

The purpose of the procedure is to:

- Ensure fair and consistent treatment for all employees;
- Provide managers with a framework and guidance that will enable them to clearly communicate the standard of work expected and to ensure the standards are met.
- Identify and implement mechanisms to enable the employee to reach the required standard of performance.

Issues intended to fall within this procedure

Expectations for performance should generally be communicated at least annually via the PDR appraisal scheme. However, there may be occasions when a manager becomes concerned that an individual's work performance requires more support and guidance. This procedure is designed to assist managers in supporting staff to reach an acceptable standard.

Initially, in situations where there is a decline in performance or where an acceptable performance level has never been achieved, a line manager should explore with the individual concerned the reasons or any underlying cause for a decline in their ability to carry out the role. The manager should encourage an open and honest discussion of any underlying factors. Where health and/or attendance may be a factor in underperformance, the manager should request a referral to the University's Occupational Health Advisor via Human Resources in order to determine the nature of any illness and the support needed (please see the University's Sickness Absence Policy, Procedures and Guidelines, Appendix 1). Where a member of staff is still in a probation period, the relevant probationary procedure will apply.

This procedure applies to all staff within the University, including academic staff. (However, for academic staff the procedure is not intended to diminish individual rights under the Statute XXV, part III.)

Management Support

Where performance or poor attendance* is considered by the line manager to be below acceptable standards, the normal course of action in the first instance would be to attempt to resolve problems with the employee in confidence and on an informal basis. The line manager will work supportively with the employee before entering the formal stages. A brief note will be made of the general issues discussed and the dates of any meetings. At this stage line managers are encouraged to set and clarify objectives, help with the prioritisation of action and agree timescales and review dates. It is anticipated that the majority of poor performance problems will be resolved in this way.

**The University's Sickness Absence Policy, which should be referred to in such cases, identifies that the following levels of short-term absence should trigger a review by a manager and Human Resources:*

- *Three or more periods of sickness absence in any 13 week period*
- *Five or more periods of sickness absence <u>or</u> ten or more days sickness absence in any 12 month period*
- *A recurrent pattern of sickness absence.*

2. The formal procedure

This formal procedure may become necessary if initial management support does not lead to an improvement in performance. At all stages, the method to be followed by the manager will be:

- To investigate the facts and circumstances of the under-performance in an open and exploratory manner (under-performance can include poor attendance).
- To state the problem(s) and provide the evidence to support this
- To give the opportunity for the employee to respond to the issues raised
- To state the expectations i.e. what acceptable performance should look like
- To identify the support, training and other resources needed to assist the employee in achieving the required standards.
- To set a reasonable timescale over which performance will be monitored for improved performance. Wherever possible targets and timescales should be agreed between the line manager and the employee.

Stage 1

The formal procedure should be initiated if there has been insufficient improvement following initial management support or where the matter is sufficiently serious that informal counselling is deemed inappropriate. The manager will consult their relevant HR Advisor for advice and guidance before taking formal action.

The line manager will invite the employee to a meeting. At all stages, all parties must make every possible effort to attend such meetings. The employee should be given a minimum of 5 working days notice of the time, venue and purpose of the meeting and prior to the meeting should be given copies of any relevant information and evidence. The employee will be advised of their right to be accompanied at the meeting by a trade union representative or another member of staff. A member of Human Resources should normally be present. If witnesses are to be called by either the employee or line manager, these arrangements should be communicated before the meeting.

At the meeting the line manager will:

- Explain the areas in which the employee's performance falls below the standards expected.
- Give the employee the opportunity to respond.
- Set and agree an improvement plan (see appendix 1) incorporating targets, standards, deadlines and further support, training and guidance to help them improve their performance.
- Set a reasonable time frame within which improvement is expected, usually no more than 3 months. Arrange a date to meet at the end of this review period.
- Advise the employee of their right of appeal against any outcome of the meeting.

Following the meeting, the manager will write to the employee within 5 working days to confirm the outcome. If the manager confirms that there is a performance issue to address, a first written warning will be issued. Employees subject to any formal performance warning will not ordinarily be entitled to incremental pay rises within 12 months from the date of the warning unless there is sufficient evidence of sustained acceptable performance in advance of the increment date (this will be at the discretion of Executive Dean/Departmental Head). A copy of the outcome letter should also be sent to Human Resources to be placed on the employee's personal file, accompanied by the improvement plan. Any warning at this stage will remain in place for 6 months. The manager will set up regular (at least monthly) progress review meetings during the review period. At the end of the review period, the manager will confirm to the employee whether performance has become satisfactory or if further action is necessary. This will be confirmed in writing.

Stage 2

Where there has been insufficient improvement following Stage 1, or where the matter is sufficiently serious to progress directly to Stage 2, the line manager will invite the employee to a Stage 2 meeting, which will follow the same format as for Stage 1.

For immediate progression to Stage 2 the performance of an individual would include actions which, if not corrected, could represent a risk to a School/Department's essential operations, finances or reputation.

Having heard the case, the manager will determine whether a final written warning should be issued. Any warning at this stage will remain in place for 12 months. The employee may be required to participate in further training or development and further targets will be set to be achieved over a review period. The employee should be advised that unless improvement over a sustained period of time is evident at the end of the review period, the matter will progress to Stage 3, at which redeployment or termination of employment may result. At the end of the review period, the manager will advise the employee whether performance has become satisfactory or whether further action will be taken under Stage 3.

Stage 3

Where there has been insufficient improvement or where the matter is sufficiently serious to progress directly to Stage 3, the case should be investigated and reviewed by the Head of Department/Executive Dean and a recommendation made to the Human Resources Director or their nominee. Consideration of dismissal for capability related to ill health or poor attendance may also be reviewed this stage. In the case of Academic Staff (Professors, Readers, Senior Lecturers, Lecturers) the procedure to be adopted at Stage 3 will be that described in Statute XXV Part III.

The employee will be given a minimum of 5 working days notice of the time, venue and purpose of the meeting along with copies of any relevant evidence that is to be referred to at the meeting. The employee will be advised of their right to be accompanied at the meeting by a trade union representative or another member of staff. Stage 3 meetings will be chaired by the Head of Department/Executive Dean or their nominee and a member of Human Resources will attend. For capability issues related to health, any medical advice will be considered. If medical advice is received which indicates that the individual is unfit to attend the Stage 3 meeting, all possible alternatives will be

considered e.g. conducting the meeting at a different location, written submission of comments or a representative attending in place of the employee.

The line manager will generally present the case and the employee will be given the opportunity to respond. The meeting will then usually be adjourned to consider all the facts before a decision is reached. The Chair will consider:

- Whether the process has been fair and reasonable. If not, the case may be overturned or a further review period set for improvement.
- The possibility of redeployment to another role.
- Dismissal on grounds of capability.
- If relevant, whether ill health retirement has been explored.

The Director of Human Resources will confirm the outcome of the Stage 3 meeting in writing. Where the outcome is dismissal, the individual will be advised of the date on which the contract of employment will end and the appropriate period of notice. If redeployment is an option, the individual will be given sufficient time, normally 10 working days, to consider the offer and respond in writing. Refusal of such an offer will normally result in termination of employment on grounds of capability. If redeployment is at a lower grade, no pay protection will apply.

3. Serious capability and poor performance issues

A serious capability and poor performance issue is defined for the purpose of this policy as a matter or matters considered to be of such a serious nature as to render the employee unable to continue in their role. This would include any action which may hinder the University in pursuing its objectives as defined in the Charter and Statutes, or prevents it from fulfilling its legal and regulatory obligations. In the case of Academic Staff (Professors, Readers, Senior Lecturers, Lecturers) the procedure to be adopted in dealing with serious capability issues will be that described in Statute XXV Part III. For all other staff, if a performance problem arises which makes it impossible for an employee to carry out his/her job, the employee may be dismissed following Stage 3 of this procedure if no reasonable alternative role exists.

The following are presented as examples of serious performance issues and should not be taken to represent a definitive list:-

- Removal/loss of qualification or membership of a professional body, where the attainment of such is a requirement and necessity in order to undertake the role e.g. driving licence.
- A health and safety issue, where a capability problem could cause harm or present significant risk to self or others in the workplace.
- Inability to undertake certain aspects of the role which could affect the reputation of the University.

All serious performance problems must be reported as soon as possible to the Director of Human Resources.

4. Suspension

Suspension will only be used in potentially serious cases of poor performance, where it is considered necessary by the Executive Dean/Heads of Support Department, to remove an employee from the workplace, in order to allow a full investigation. This does not in itself constitute formal action. Suspension will be

with full pay and may only be authorised by the Director of Staff and Student Services, or, in the event of their absence or unavailability, by a nominated person.

5. Appeals

Appeals can be made in relation to the outcome of any of the formal stages outlined above. They should be made in writing within 5 working days of receipt of the formal outcome of the meeting and should be addressed to the individual named for this purpose. Appeals against Stage 3 or the decision to terminate employment should be addressed in writing to the Chief Operating Officer. Individuals should indicate the reasons for appeal, which may be for one of the following reasons: new evidence, undue severity, defects in the original procedure. Wherever possible, appeals will be heard by a member of professorial (or equivalent) staff together with another senior member of staff (both of whom should have had no previous involvement in the case). The manager hearing the appeal will investigate the appeal grounds and advise the date of the appeal meeting within 7 days of receipt of the appeal letter. The employee will have the right to be accompanied at an appeal by a union representative or another member of staff.

Following the appeal meeting, the named manager will:-

- Inform the employee of the decision
- Write to the employee confirming the outcome, sending a copy to Human Resources for retention on the employee's personal file for a period of twelve months.
- Send a copy to the line manager and Executive Dean/Head of Department

6. Investigations

In preparation for any of the formal stages of this procedure managers should assemble as much factually based information and evidence as practicable. Examples of evidence could include

- Feedback from taught programmes of study
- Student questionnaires
- External examiners reports
- QAA reports
- Third party feedback
- Complaints made by external customers
- Peer review (where appropriate)

The manager may also provide more informal evidence, such as general observations about the employee’s behaviour and performance.