

Performance Improvement Policy

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Introduction

The University seeks to create a high performing culture which will support the achievement of our strategic goals and enable future growth. A high performing culture means that underperformance must be addressed and employees who have gaps in their capabilities are provided the right level of support to try and address such gaps in a structured manner thus improving their performance.

This policy provides a clear framework for the consistent management of underperformance and applies to all employees. It is non contractual.

Appendix A provides a summary flow chart outlining all the stages and timescales. Normally the University will generally follow each of the stages set out in this policy but reserves the right in appropriate cases to commence the policy at any of the specified formal stages or to omit a particular stage.

Responsibilities

When applying this policy, it is important that both managers and employees fulfil the responsibilities required of them.

Employees are responsible for:

- Ensuring they understand and perform at the standard required for their role.
- Receiving feedback openly and respectfully from students and colleagues.
- Understanding that if their work performance falls below the required standard for their role, managers will be obliged to address this.
- Bringing to their managers attention, any concerns they have about their own level of performance or personal circumstances that may impact on their ability to perform their role to the required standard.
- Actively engaging with their manager once this policy is applied and with the support of their manager making all reasonable efforts to positively improve their performance.

Managers are responsible for ensuring that:

- The required performance standards for the role are made clear, communicated and understood by the employee.
- Employees have a reasonable workload.
- Feedback is given on an ongoing basis, both formally and informally and in a timely manner.
- Underperformance issues are dealt with, as they arise, in a professional, open and respectful manner, in line with our values.
- Suitable support and access to any relevant training & development opportunities is provided, to help employees to reach and maintain the required standard of performance for their role.
- When applying the procedure, it is used alongside the manager's toolkit and they seek advice from the HR Services team, when appropriate.

Informal Management

Prior to the formal procedure being invoked, it is important that issues of underperformance have been discussed with the employee and the manager has attempted to resolve these informally.

Appendix B provides guidance on what the University expects an informal approach to consist of.

If an informal approach does not achieve a satisfactory improvement in performance then the formal procedure outlined below should be followed. The manager must advise the **HR Services Team** that the matter is now progressing into the formal procedure.

Formal Procedure

STAGE 1: First written Improvement Note

Invite to Performance Meeting

The manager will write to the employee giving **5 working days' notice** confirming they are required to attend a stage 1 performance meeting and confirm the following:

- Date, time and place of the formal meeting.
- The specific performance concerns/areas where the employee does not meet the required performance standards.
- Details of all the support and training offered to date to assist the employee e.g. formal/informal training, mentoring, peer support, coaching or adjustments to workload, if appropriate.
- A potentially outcome of a stage 1 performance meeting is that a first written improvement note will be issued alongside a performance improvement plan
- Right to be accompanied by a colleague or trade union representative

Template invite and outcome letters outlining the written improvement note for all staged meetings are provided in the [manager's toolkit](#). [Appendix C](#) provides guidance for undertaking all staged performance meetings and review meetings.

Outcome of Performance Meeting

The manager must write to the employee **within 5 working days** confirming:

- The issue of the first written improvement note and a performance improvement plan (PIP). The PIP will set out the areas where the current performance does not meet the standard required, areas for improvement and timescale.
- Any measures, such as additional training, support or additional supervision/peer support to be provided will also be outlined.
- Date set for a performance review meeting, normally in **6 weeks' time**.
- The consequences of failing to improve within the review period and right of appeal.

[Appendix D](#) provides a template of a performance improvement plan (PIP).

Review Period - During the **6 week review period**, regular progress meetings should be held and a note of these issued, using the pro-forma provided in the [manager's toolkit](#). As this is the formal stage, progress meetings to monitor the employee's performance against the PIP should take place on a regular basis in which the employee will be expected to demonstrate improvement in their performance.

Performance Review Meeting - A performance review meeting will be held at the end of the review period. The potential outcomes of the stage 1 performance review meeting are:

- 1. Satisfactory Improvement** - Where the manager assesses that the employee has achieved the required standards no further action will be taken and a letter issued.
- 2. Partial Improvement** - Where the manager assesses that significant improvement has been achieved and the required standard is likely to be achieved shortly, the review period may be extended. This must be confirmed in writing and a further review meeting date set.
- 3. Insufficient or no Improvement** - Where the manager assesses there has been no overall improvement or an insufficient level in performance since the issue of the first written improvement note, the manager will confirm in writing, within **5 working days**, the matter will proceed to stage 2 and outline the details for the manager's decision.

4. **Reoccurrence** - Where an employee is signed off a staged process (performance assessed satisfactory), if after a period of satisfactory performance this is not sustained or there is a reoccurrence whilst the written improvement note is in place the employee will re-enter this process at the appropriate formal stage.

Consideration at this stage may also be given as to whether it would be appropriate to escalate the matter to the next level of manager to undertake the stage 2 process.

STAGE 2 – Second written improvement note

Invite to Performance Meeting

The manager will write to the employee giving **5 working days' notice** confirming they are required to attend a stage 2 performance meeting. The notification arrangements outlined in stage 1 will be followed, with the only difference being a second written improvement note may be issued and the PIP revised accordingly. **Appendix C** should be referred to for undertaking the staged 2 performance meeting.

At this stage 2 performance meeting, the manager should also seek to establish if there is any new or change to the employee's circumstances which are affecting the employee's ability to reach the required standard and perform at work.

Outcome of Performance Meeting

The manager must write to the employee **within 5 working days** confirming:

- The issue of the second written improvement note and a revised PIP issued. The PIP will outline the areas where the current performance does not meet the standard required, areas for improvement, the review period and timescale set
- Any measures, such as additional training, support or supervision to be provided will also be outlined.
- Date set for a performance review meeting, normally in **4 weeks' time**.
- The potential future implications on the employees future employment should they continue to fail to reach the required performance standard within the new timescales set and right of appeal.

Review Period - During the **4 week review period**, regular progress meetings should be held and a note of these issued, using the pro-forma provided in the **manager's toolkit**.

Performance Review Meeting

A performance review meeting will be held at the end of the review period and the notification arrangements outlined in stage 1 will be followed. The potential outcomes of the stage 2 performance review meeting are

- a) **Satisfactory improvement** - Where the manager assesses that the employee has achieved the required standards no further action will be taken and a letter issued.
- b) **Partial improvement** – Where the manager assesses that significant improvement has been achieved and the required standard is likely to be achieved shortly, the review period may be extended. The manager should consider what if any additional support and training can be provided to help the employee reach the required standard and can extend and revise the PIP for a short period, this extended period must not **exceed 4 weeks**. This would be confirmed in writing and the terms of the further review period outlined and a further performance review meeting date set.
- c) **Insufficient or no improvement** – Where the manager assesses there has been no overall improvement in performance or an insufficient sustained level, the manager must

advise the employee at the meeting the matter will be progressed to stage 3 a capability hearing and confirm this in writing. The manager will then prepare a summary report and escalate the matter to a senior manager with authority to dismiss.

STAGE 3: CAPABILITY HEARING – Final Stage

The capability hearing panel will be constituted by two Grade 8 or above managers, with designated the role of chair. The chair of the panel will write to the employee giving **5 working days'** of the requirement to attend a capability hearing, the invite letter will confirm:

- the requirement for the employee to attend a capability hearing.
- the performance standard that the University considers has not been achieved
- details of the underperformance.
- supporting evidence - summary report, PIP's issued (1st & revised), notes of meetings, any other documents the manager intends to refer to.
- the right to be accompanied by a Trade Union representative or work colleague.
- the potential outcome of the capability hearing may be termination of their employment on the grounds of unsatisfactory performance.

The panel will consider all the evidence / documentation presented. A HR representative will be in attendance to offer procedural advice and take notes.

Both the manager and employee will be required to attend to present their case. The panel will consider the details of the underperformance, the support given, the impact of the underperformance and the employee's explanation for their continued underperformance. The chair will normally provide their decision on the day of the hearing and this will be confirmed in writing within **5 working days** and potential outcomes may include:

- **Dismissal, with notice** - termination of employment on the grounds of capability – unsatisfactory performance
- **Further review period may be granted** – (in exceptional cases where the chair believes that a substantial improvement is likely within the review period) a further review period is granted and a new timescale set for when improvements must be achieved. At the end of the extended review period a further stage 2 performance review meeting would be held.
- **Demotion to a lower graded role** - where business needs permit and a suitable vacancy exists, the panel can consider the possibility of offering redeployment to the employee as an alternative to dismissal. The offer will be issued in writing and the employee will have 10 working days to consider the offer and respond in writing. Refusal of the offer will normally result in termination of employment. If demotion is accepted the new terms and conditions of the role and grade will apply.

APPEALS

Formal Stages

Appeals can be made in relation to any of the formal stages outlined above and should be submitted in writing setting out the grounds of the appeal **within 5 working days** of receipt of the formal outcome of the staged performance meeting to the Director of HR & D.

The employee will be invited to attend an appeal meeting normally within **10 working days** of receipt of the appeal notification. The letter will advise the employee of their right to be accompanied at the meeting by a work colleague or Trade Union representative. An appeal against a formal stage will be held by a manager normally in the employee's service area/school who has not been previously involved in the case.

Dismissal

Dismissal appeals must be submitted in writing, within **10 working days of receipt of the letter** stating the grounds of appeal.

A dismissal appeal will be dealt with by a senior manager who has not previously been involved in the matter normally within **10 working days** of the appeal being received. The purpose of an appeal is to not rehear the matter but to consider the grounds of appeal. The chair of the panel at the capability hearing will be required to attend the appeal hearing to present the panel's decision. The decision will be confirmed in writing **within 5 working days** of the appeal hearing and the outcome can be either:

- Appeal Not Upheld – the decision to dismiss stands
- Appeal Upheld - recommend other appropriate action

There is only one level of appeal within the University and therefore, the decision made following the appeal hearing will be final.

Right to be accompanied

During the formal stages of this policy an employee has the right to be accompanied at any formal staged meeting by a work colleague, a Trade Union representative or an official employed by a trade union.

The employee is responsible for making the necessary arrangements and liaising with their trade union representative regarding dates of formal performance and review meetings set by the manager requiring their attendance. Where a formal meeting date is set, thereafter, annual leave for that date will normally not be granted.

If the employee's work colleague or Trade Union representative is unable to attend the scheduled meeting date the employee should inform the manager at the earliest opportunity. In the first instance, usually the meeting will be rearranged to a new date (no more than **5 working days** after the date originally set). Whilst every effort will be made to find a time that is suitable for all parties, if the work colleague/trade union representative is not available at the re-arranged date the University can consider insisting that the employee seek to secure an alternative companion.

Trade Union Representatives

For an employee who is a trade union representative the normal performance process will apply, although no formal action will be taken until the HR Partner has first notified a full time trade union official employed by the union.

Sickness Absence

Where an employee is unable to attend a meeting due to sickness absence, normally they will be required to attend the University's occupational health service to assess if the employee is fit to attend the management meeting and take part in the process.

Disability

If an employee has particular requirements at any stage of the procedure because of a disability, or wishes to inform the University of any relevant medical condition the employee should discuss this in the first instance with their line manager.

Questions

If a staff member is unsure about any matter covered by this policy, please contact the HR Services Team by emailing: humanresources@napier.ac.uk or call 0131 455 3344.

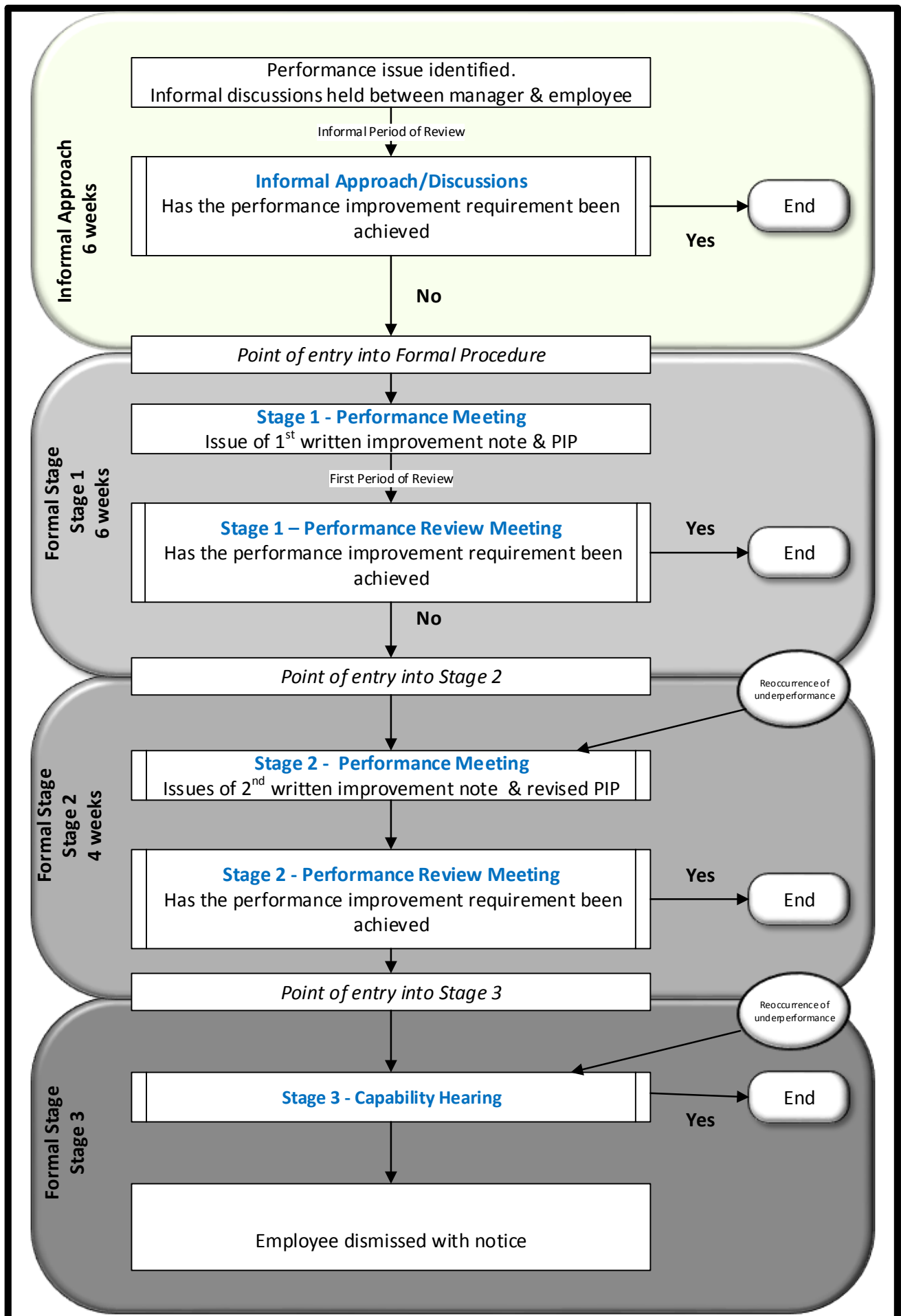
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Appendix A – Summary flowchart of stages and timescales



Appendix B: Informal Management

It is important that Managers give regular feedback on performance to all employees/team members and is part of their day to day line management activities and is an ongoing continuous process.

The informal approach outlined below is to ensure that at an early point managers bring to the employee's attention concerns they have about the employee standard of performance; with a view to seeking to resolve these issues through an open and two way discussion, quickly and effectively where possible.

Concerns about performance should be raised as soon as possible after they occur, or when they become evident and managers should not wait until a planned 1:1 or the next formal PDR meeting is due before being raising this with the employee.

By making employees aware of performance concerns as they arise it gives employees the opportunity to understand the nature of the issues and address these concerns and also for the manager and employee to work together jointly resolve the issues.

Informal discussions can help:

- clarify the required performance standards for the role, in terms of quality and quantity of output
- identify the specific area of concerns and discuss examples which evidence the underperformance
- establish the likely causes of poor performance and identify any training/support needs; and set targets for improvement.

Where there are ongoing performance issues that are not resolved and performance does not improve to a satisfactory level through regular feedback and support then a more formal structured approach will be required and the formal policy should be followed.

What should an informal approach consist of?

Discussions about concerns and support tools should have taken place, normally over a period of **at least 6 weeks**.

- ✓ Detailed specific examples of the concerns along with supporting evidence where appropriate should be provided.
- ✓ The current role profile will be reviewed to ensure the requirements of the role are fully understood.
- ✓ Both the gap in performance and the required standard for the role must be made clear to the employee.
- ✓ Meetings should be documented and a clear plan set out of realistic performance standards/tasks to be achieved and expectations should be set out, and how you will monitor them.
- ✓ The employee should be given an opportunity to explain why the required standards of performance are not being met.
- ✓ Managers should probe if there are any personal circumstances which may be impacting on performance.
- ✓ Consideration should be given to what suitable support and relevant training could reasonably be offered and provided, to help an employee reach and maintain the required standard of performance for their role. This may include further training, guidance, closer supervision, appointing a mentor, coaching, making some adjustments to workload or temporarily reallocating work for an agreed period to provide some further support.
- ✓ Explain to the employee that if the performance concerns are not resolved and are ongoing the matter will be progressed and considered under the formal policy.
- ✓ If the line manager or the employee needs some additional support or guidance please do not hesitate to get in touch with the HR Services team who are happy to help.

Appendix C: Managers Guidance for Undertaking Staged Meetings

At a performance meeting, the manager will:

- ✓ Outline the performance concerns against the required performance standard.
- ✓ Review the support and training provided to date to assist the employee to achieve the required performance standard.
- ✓ Ensure the employee is given an opportunity to respond and explain why they have not achieved the standard of performance required.
- ✓ Consider the explanation offered by the employee, the performance issues and whether a [first or second] improvement note should be issued.[dep. on stage of meeting]
- ✓ Discuss with the employee what other additional support or training could be provided to help the employee achieve the required standard of performance. This may include further training, guidance, closer supervision, appointing a mentor, coaching, making some adjustments to workload or temporarily reallocating work for an agreed period to provide some further support.
- ✓ Explain the impact of the continued underperformance on the student experience, service delivery and colleagues.
- ✓ Discuss the draft PIP prepared in advance with the employee. The employee can provide suggestions and comment and it is then jointly developed and agreed in the meeting. (The complexity and timing of the tasks should be considered when setting timescales and should include some key milestones or positive progress indicators. The level/areas for improvement in performance, actions required, timescales to be met and the support to be provided should be captured in a Performance Improvement Plan.
- ✓ Confirm the issue of a [first or second] written improvement note and explain the potential consequences on their continued employment if they fail to achieve the required performance standard as outlined.

The manager will assess all the available information and discuss the employee performance to determine whether the employee has achieved the required performance standards or whether the employee's performance remains unsatisfactory. The following will be discussed and considered:

- ✓ The revised PIP and areas/standards for improvement and timescales for target to be met.
- ✓ Whether the employees' performance has reached an acceptable standard or if there are performance issues remaining – the extent and areas of the performance gaps remaining.
- ✓ If performance concerns remain outstanding, provide the employee an opportunity to explain why the standards have not been met and consider the explanation offered by the employee
- ✓ Review what support/training and action has already been taken to date to help the employee address the performance issues and whether there is any new information to take into account.
- ✓ Establish from the employee if there are any new underlying causes that are affecting the employee's performance not previously identified.
- ✓ Consider the additional support, guidance and training that has been provided to date. If the performance concerns remain whether any further support and training can reasonably be provided to help the employee achieve the required standard of performance.
- ✓ Explain the consequences of failing to improve their performance within the agreed period and next steps.

Employee name		Managers name	
Role title		Role title	
School/Department		Date	

	Performance issue/concern	Expected improvement actions/performance	Support & dependencies	Due date
	<i>Detail specific area where performance standards have not been met. Examples should be provided.</i>	<i>Detail what actions need to be taken/outcomes need to be delivered to achieve the standard expected & timescales set.</i>	<i>Detail what support will be provided & if any dependencies</i>	
1	<i>E.g. Time Management</i>	<i>Weekly/Daily</i>		
2	<i>Next performance issue in need of addressing</i>			
3	<i>Next performance issue in need of addressing.....</i>			
4	<i>Next performance issue in need of addressing.....</i>			
5	<i>Next performance issue in need of addressing.....</i>			
6				
7				
8				

Managers Comments:**Employee Comments**

The employee can record any comments/views in this section during the PIP at any meetings held.

This PIP has been agreed by:

Managers signature		Date	
The reason for the PIP has been explained & I have been issued with a copy of the performance improvement policy.			
Employees signature		Date	

PIP PROGRESS – SUMMARY

Perf. Concern	Date of Review	Progress Detail the status of the progress made at the review meeting i.e. [Satisfactory improvement, partial improvement] or [Insufficient/No improvement]	Next Action Required	Due Date
1		Choose an item. <i>Outcome:</i>		
2		<i>Outcome:</i>		
3		<i>Outcome:</i>		

MANAGERS ASSESSMENT /OUTCOME OF PIP

Choose an item.
<p>Comments/Next Steps <i>Dates of the review meetings held, the progress made during the PIP, next action required and the dates for completion should all be recorded.</i></p>

Managers signature **Date**

Employees signature **Date**

