



LEEDS
BECKETT
UNIVERSITY

Managing Performance Policy and Procedure

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Policy Statement

Purpose and Scope

The University aims to ensure that performance expectations and standards are defined, performance is monitored and employees are given appropriate feedback, training, supervision and support to meet these standards.

The primary aim of this Managing Performance Policy and Procedure is to provide a framework within which managers can work with employees to maintain satisfactory performance standards and encourage improved performance where necessary. The Procedure outlines the steps that managers are expected to take to help improve performance. It also makes clear to employees the possible consequences of failure to achieve an acceptable level of work performance, one outcome of which may be dismissal.

The Policy and Procedure applies to all University employees with the exception of holders of a senior post, as defined in the Articles of Government for whom separate arrangements apply.

This Procedure does not apply to:

- Employees during their probationary period (see separate Probationary Policy and Procedure available through Human Resources and on the intranet).
- Issues relating to health or attendance which will be dealt with under the Sickness Absence Management Policy and Procedure (available through Human Resources and on the intranet).
- Matters relating to misconduct. In these circumstances the University's Disciplinary Procedure would be used, if appropriate.

Principles

Managers should use these procedures consistently and as a tool for helping and encouraging an employee to improve their performance.

Any action taken should be reasonable in the circumstances of the case.

All managers are responsible for setting realistic and achievable standards – consistent with the employee's contract, in liaison with employees, and for supporting them to achieve the standards set. In this regard managers are responsible for regularly monitoring employees' performance and taking appropriate action where an employee's work performance falls below the standard required.

Individual employees have a contractual responsibility to achieve an acceptable level of performance and for their continued development in post (with appropriate support) to meet ongoing change and challenges in their work. Individual employees are also responsible for bringing to the attention of their manager any work related problems or personal circumstances that may hinder their performance, as soon as possible.

Any concerns regarding performance should be dealt with thoroughly and promptly. The employee must be made aware of any concerns and provided with examples. They should also be given the opportunity to respond before any decisions are made (see section 1 - Informal Stage).

Where poor performance is linked partly or wholly to a qualifying disability under the Equality Act (2010), the requirements of that Act for reasonable adjustments to the workplace or the job will be taken into account.

At all of the formal stages (see section 2 – Formal Stages) within this Procedure an employee has the right to be present, to be heard, and/or to be accompanied and represented by either a full-time Trade Union officer, a Trade Union representative (who is an employee of the University), or a fellow employee of the University. Once notification is received of a representative, they will be copied in on all relevant correspondence.

At all of the formal stages the manager may be accompanied and assisted by a colleague or a representative from Human Resources. The manager may also arrange for someone to take notes.

The term 'manager' is used throughout this document. For the purpose of this Procedure, this includes supervisor or other appropriate person.

Performance and Development Review (PDR)

The University has established a structured approach to Performance and Development Review (PDR) which operates on an annual cycle. New employees should have an induction and be given appropriate tasks and support training on a shorter time scale, such that managers and employees alike can be satisfied that adequate progress is being made towards the expected performance levels. This may also be incorporated into any probationary period, if appropriate.

Concerns regarding performance should be dealt with on an ongoing basis and not left to the formal PDR process only.

Procedure

1. Informal Stage

- 1.1. Monitoring an employee's performance is part of day to day management. Dealing with poor performance at an early stage with the appropriate training, support and feedback is an important part of a manager's role.
- 1.2. When a manager has concerns about the performance of an employee Human Resources should be consulted about the most appropriate means of dealing with the perceived problem.
- 1.3. The manager should meet with the employee to discuss the concerns as soon as possible. The employee should also be reminded, in a constructive and positive manner, of the standard(s) required. The manager should:
 - Ensure that the employee is made fully aware that there is considered to be a problem with the work performance.
 - Discuss with the employee the nature of the perceived problems and explain why the expected standards of performance do not appear to have been met.
 - Endeavour to establish the reasons for the unsatisfactory level of performance, taking account of all of the factors that might have an effect on the employee's performance. This may include volume of work, training needs, ill health or personal matters.
 - Seek to establish an agreed programme to address the problems, setting a timescale for improvement and review. If agreement cannot be reached the manager may establish an appropriate programme and timescales consulting with Human Resources, or refer the matter to the formal stage of the Procedure.
- 1.4. Following the meeting, the manager should outline these points and other relevant information in writing, to the employee and that subsequent performance will be monitored over the specified period including further review meetings.
- 1.5. If performance improves to a satisfactory level within the established timescales, no further action is necessary. The manager will write to the employee to confirm this.
- 1.6. Where these normal management arrangements do not lead to a satisfactory and demonstrable improvement in performance, or where the concerns are very serious, the formal stages of this Procedure will be followed.
- 1.7. A decision to enter the formal stages may be taken after discussion with Human Resources has taken place and advice and support taken in this regard. The manager will need to demonstrate to Human Resources that the informal stage outlined has been followed and all reasonable steps to support and improve the employee's performance have been taken. This will include consideration of the following:
 - Is the employee clear of the nature of the job and the required standard of performance?
 - Has the employee had the required training and development to perform at the appropriate level?
 - Has the employee had regular meetings / supervision involving performance monitoring?
 - Have any health or personal problems been fully explored?
 - Have reasonable adjustments been considered (where relevant) including in relation to the nature of the work, pattern of working or indeed the suitability of the role itself?

Other University policies and/or procedures may be relevant.

2. Formal Stages

Stage 1 – Performance Review Meeting

- 2.1. If performance does not meet acceptable standards, and other interventions are not considered appropriate or have not succeeded in addressing the problem (including the informal route), a formal meeting will be held by the manager with the employee concerned.
- 2.2. The manager will invite the employee to a Stage 1 Performance Review meeting giving at least five working days' notice. The notice will set out clearly:
 - The date, time and place of the meeting.
 - The name and designation of the person conducting the meeting and other colleagues assisting.
 - A copy of this Procedure.
 - Details of the purpose of the meeting and stage of the Procedure.
 - Sufficient information about the underperformance and its possible consequences to enable the employee to prepare for the meeting.
 - The right to bring relevant documentation in support of the performance discussion.
 - Details of the right to be accompanied and represented.
- 2.3. The purpose of this meeting is for the manager to:
 - Clarify the areas in which the employee's performance is below expectations (explaining the grounds/evidence for these concerns) with the aim of identifying any problems or reasons for the underperformance.
 - Outline the impact the underperformance is having.
 - Outline the steps that have been taken to improve performance and to discuss why these have not led to the required improvement.
 - Confirm the performance standard(s) that are required and the further actions to be taken.
 - Agree who has responsibility for the actions, what support will be given to the employee and the timescale for review.

The meeting should be conducted in a sensitive, understanding and constructive manner, free from interruptions. At the same time the employee should be made clear of the potential outcomes of the meeting, including progression to the next stage of this Procedure.
- 2.4. Following the meeting the manager should complete the Improving Performance Action Plan (see Appendix 1) covering the following points:
 - The specific areas of work that are unsatisfactory and the level of performance required.
 - A timescale (up to three months) over which the improvement is required.
 - Monitoring and review arrangements.
 - Any changes in working arrangements and practices designed to support the achievement of the required standard of performance.
 - Any further training or personal development measures that will be undertaken.
- 2.5. The Improving Performance Action Plan should be discussed with the employee and confirmed in writing. The employee should be told in writing that failure to agree, meet and maintain the required standards will lead to progression to Stage 2 of this Procedure.

Monitoring

- 2.6. Performance will be monitored against the Improving Performance Action Plan and the employee will be given ongoing support, guidance and feedback on the progress towards the required improvement.
- 2.7. Throughout the process the emphasis should be on helping the individual to achieve the required standard.
- 2.8. At the end of the Stage 1 monitoring period (up to three months), or before if it becomes clear at an earlier stage that the employee is failing to meet the required level of work performance, the manager should hold a review meeting to inform the employee of the outcome of the monitoring period. Where the employee has reached the required standard this should be acknowledged in writing. The letter should state that no further action will be taken at this time although it should be confirmed that the required standard will be expected to be maintained. Failure to do so could result in further action under the Procedure.
- 2.9. In some cases the manager may feel that it is necessary to continue to monitor and support the employee's performance for some time longer to ensure that the required level of work is sustained. This should be done in agreement with Human Resources. The employee should be informed of this in writing together with the timescale during which monitoring will continue.
- 2.10. Where these arrangements do not lead to a satisfactory and demonstrable improvement in performance, the matter will progress to Stage 2 of the Procedure.
- 2.11. If a decision is taken to instigate Stage 2 of the procedure and where the manager dealing with Stage 1 is not at grade 7 or above, Stage 2 will be dealt with by the next appropriate manager at Grade 7 or above, who will arrange for a separate meeting (see 3.1 below). Otherwise the Stage 2 discussion may follow on as part of the Stage 1 review meeting in accordance with 3.2 below. An Improving Performance Action Plan will be discussed with the employee and confirmed in writing.

3. Stage 2 – Performance Review

- 3.1. Where a separate meeting is necessary, the manager will invite the employee to a Stage 2 - Performance Review meeting giving at least five working days' notice. The purpose of the meeting is to discuss the continued failure to meet the required standard of performance. The notice will set out clearly:
 - The date, time and place for the meeting.
 - The name and designation of the person conducting the meeting and other colleagues assisting.
 - A copy of this Procedure.
 - Details of the purpose of the meeting and stage of the Procedure.
 - The reason(s) for moving to Stage 2 of the Procedure.
 - Sufficient information about the under performance and its possible consequences to enable the employee to prepare for the meeting.
 - The right to bring relevant documentation in support of the performance discussion.
 - Details of the right to be accompanied and represented.

The meeting should be conducted in a sensitive, understanding and constructive manner, free from interruptions. At the same time the employee should be made clear of the potential outcomes of the meeting, including progression to the next stage of this Procedure and the potential for dismissal.

3.2. The manager should identify:

- The specific areas of work performance that remain unsatisfactory.
- The support and training given to the employee to date to help achieve the required level of improvement, where appropriate.
- The timescales over which the improvement was sought.
- The results of the monitoring process.

3.3. Taking into account all the matters discussed, the manager should consider one of the following options:

- If the employee has been working towards meeting the required standards with signs of improvement, a further period of review (up to three months) may be appropriate. This should be confirmed in a Stage 2 Improving Performance Action Plan.
- If the employee has failed to meet the required standards and it is felt that a significant improvement is unlikely in the immediate future then a Stage 3 – Performance Capability Panel Hearing should be arranged.
- The offer of a transfer to an alternative post or job at the same or lower grade. Any such transfer must resolve the performance issues identified and must be a post in which the employee is likely to be able to perform at the required standard. Any transfer to a lower graded post will not attract salary protection.

The outcome of the Stage 2 discussion should be confirmed in writing.

3.4. If at the end of any further review period (up to three months) within Stage 2, the employee has reached and is maintaining the required standards set out in the Improving Performance Action Plan, the manager should hold a review meeting with the employee to confirm the outcome of the monitoring period which should be acknowledged in writing. The letter should state that no further action will be taken at this time although maintenance of the required standard will be expected. Failure to do so could result in re-entering the formal Procedure, at the appropriate stage.

3.5. Where these arrangements do not lead to a satisfactory and demonstrable improvement in performance, the matter will progress to Stage 3 of the Procedure. The employee will be informed in writing that a Performance Capability Panel Hearing will be held and could result in dismissal.

4. Stage 3 – Performance Capability Panel Hearing

4.1. If an employee's performance remains unsatisfactory and/or in circumstances where the performance matter is deemed to be very serious, a Stage 3 – Performance Capability Panel Hearing will be convened.

4.2. The Panel will consist of the Vice-Chancellor or nominee (as Chair) and two managers who have had no prior direct involvement in the case. A Human Resources representative will attend to advise the Panel and will have the right to ask questions of the parties during the hearing.

4.3. The Panel shall meet not less than ten working days after notice thereof has been given to the employee stating that performance and possible dismissal is to be considered and that

attendance is required. The Panel will consider relevant evidence and will determine whether the evidence substantiates consideration of dismissal.

- 4.4. If the employee fails to attend without good reason, the Panel Hearing may go ahead and a decision will be reached in the employee's absence.
- 4.5. Non-attendance or substitution of a Panel member will not invalidate the proceedings.
- 4.6. Should the Panel be unable to reach a unanimous decision the case will be decided by the Vice-Chancellor or nominee (as Chair).

Arrangements to be made prior to a Performance Capability Panel Hearing

- 4.7. Before a Performance Capability Panel Hearing, and giving at least ten working days' notice, the employee will be sent a letter which should include the following:
 - Details specifying in full any adverse report relating to performance which is to be taken into account. This will include details of the actions taken to date.
 - Details of the location, date and time for the Panel Hearing, if possible to fall within the employee's normal working hours.
 - A reminder of the employee's right to be accompanied and represented. Confirmation is required in advance of the hearing whether or not the employee will be accompanied or represented, and if so by whom. If the employee is to be represented, the representative will thereafter be copied in on any correspondence.
 - A statement outlining the possible outcomes including dismissal.
 - All relevant documentation should be given to the employee giving at least ten working days' notice. The employee in turn must provide to the Chair of the Panel all relevant documents at least five working days in advance of the Panel Hearing. The Chair of the Panel will arrange for relevant persons, including the presenting manager, to receive copies of all the documents.
 - A reminder that if the employee fails to attend without good reason, the Panel Hearing may go ahead and a decision will be reached in the employee's absence.
- 4.8. The Chair of the Panel, advised by Human Resources, has the authority to extend all of the above timescales, particularly in complex cases.

Conduct of Performance Capability Panel Hearing

- 4.9. The conduct of a Performance Capability Panel Hearing is set out in Appendix 2 to this Procedure. A representative from Human Resources will be present at all times to advise and assist the Vice-Chancellor or nominee and to ensure fairness and consistency. Appropriate facilities will be provided for the employee to meet with their representative prior to the hearing.

5. Outcomes

- 5.1. The panel may determine that the employee has reached and maintained the required standards of performance and therefore that no further action should be taken at this time. The Chair of the Panel will confirm the decision in writing.
- 5.2. Failure to improve and maintain performance to the required standards in response to the Procedure so far will normally lead to dismissal, with appropriate notice.

- 5.3. If a case for dismissal has been substantiated, the employee will be notified by the Chair of the Panel in writing as soon as is reasonably practicable. The dismissal letter will include the following information:
- The reasons for dismissal, with notice or pay in lieu thereof.
 - The date on which the employment will terminate.
 - The right of appeal.

- 5.4. The outcome letter must be copied to the employee's manager and to the person who accompanied or represented the employee.

6. Appeal

- 6.1. Employees have a statutory right to appeal against a decision to dismiss. The process and timescales for appealing against a decision to dismiss are outlined in the Staff Appeals Policy and Procedure.

7. Confidentiality

- 7.1. Proceedings in informal and formal meetings and hearings shall remain strictly confidential.

8. Miscellaneous

- 8.1. While the same standards of performance apply, before any formal action is taken against an employee within this Procedure who is an accredited representative of a recognised Trade Union, that matter will be discussed with an appropriate Full-time Official of that Union.
- 8.2. It is not the intention to involve students or members of the public in the University's internal procedures. However, in those cases involving a complaint by a student or a member of the public, a signed written statement and/or other evidence from the complainant must be obtained.
- 8.3. It is the University's responsibility to make known what constitutes acceptable standards of performance.
- 8.4. It is the University's responsibility to ensure that all employees are aware of the existence and content of this Procedure.
- 8.5. The University will ensure that training and/or guidance is given to those responsible for the implementation of this Procedure in order that they understand their responsibilities.
- 8.6. Where it is suspected that any accusation, claim or evidence is of a malicious nature, this will be investigated further and appropriate action taken.

9. Operation and Review

- 9.1. This Procedure is effective from 01 March 2011 and applies to all employees with the exception of holders of a senior post, as defined in the Articles of Government.
- 9.2. The content and application of this Procedure will be periodically reviewed in light of experience, changes to legislation and other relevant factors. Employees will be notified of changes agreed after consultation with the recognised Trade Unions. An up to date copy is to be maintained in Human Resources and on the Intranet.

Appendix 1 – Improving Performance Action Plan

Leeds Beckett University

IMPROVING PERFORMANCE ACTION PLAN

Stage 1 / Stage 2 Performance Review Meeting

(Delete as appropriate)

Date of Meeting:

To be completed by the manager unless stated otherwise

EMPLOYEE DETAILS

Name:	
School/Service:	
Post Title:	
Grade:	
Location:	
Post Start date:	

STANDARDS / TARGETS

Details of required performance standards/targets set during PDR or other objective setting meeting:
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RECORD OF STAGE 1 / STAGE 2 PERFORMANCE REVIEW MEETING

(Delete as appropriate)

Date:	
Names of those present: include any person accompanying the employee.	
Summary of those aspects of performance which, in your opinion, are at, or above the required standards/targets:	
Details of the specific areas of work that are, in your opinion, unsatisfactory and the level of improvement required:	

RECORD OF STAGE 1/STAGE 2 PERFORMANCE REVIEW MEETING – continued

(Delete as appropriate)

Details of any action, support, training already given and any that have been discussed with the employee and are now planned as a result of this meeting to help the employee achieve the required level of improvement:	Dates actioned / due:
Monitoring of Performance: include details of how the employee's progress over the period set for improvement is to be monitored and what the feedback mechanisms will be.	Dates to be achieved / reviewed:

Employee's Response:	
Action Required:	
Implement the action(s) as set out above with a further review on: (insert date)	
Formal Hearing Date (where appropriate):	
Manager's Name:	
Post Title:	
Managers Signature:	Date:

To be completed by the employee

<p>I confirm that the issues recorded on this form have been discussed with me at a Stage 1 / Stage 2 Performance Review Meeting held with the manager named above, in accordance with the University's Managing Performance Policy and Procedure and that I have received a copy of this completed document.</p>	
Employee's Signature:	Date:

Appendix 2 – Conduct of a Performance Capability Panel Hearing

1. At the outset, the Chair of the Panel will invite the employee concerned and their representative (or colleague) and the manager and their HR Adviser to enter the hearing.
2. The Chair of the Panel will :
 - Introduce those present to the employee and explain their role in the proceedings.
 - Explain that the purpose of the hearing is to consider if dismissal should be the appropriate sanction in accordance with this Procedure.
 - Explain how the hearing will be conducted.
3. The manager shall make a statement of the case referring to any supporting evidence, documentation or material. The employee or their representative, the Panel members and the HR representative will have the opportunity to ask questions of the manager and the HR Adviser.
4. The employee may then respond and refer to any supporting evidence, documentation or material. The manager and the HR Adviser, the Panel members and the HR representative will have the opportunity to ask questions of the employee.
5. Both parties will then be invited to make concluding statements, the manager followed by the employee.
6. Both parties will then withdraw, leaving the Panel to consider the evidence presented. The HR representative will also remain. The Panel may recall the parties to clarify evidence or seek further information provided that, if recall is necessary, both parties shall be present.
7. The decision will be advised in writing, including the right of appeal, within five working days of the hearing.

Managing Performance Procedure Flowchart

