



Queen Margaret University
EDINBURGH

The Management of Performance: Policy and Procedure

Policy Summary:	The Management of Performance Policy and Procedure provides guidance on the process and framework for managing employee performance.
Policy Owner:	Human Resources
Approved By:	Executive Board
Consultation Completed:	Trade Unions
Equality Impact Assessed:	27 th September 2011
Date of Issue:	February 2012
Review Period:	Annual or as required by legislation
Last Reviewed Date:	January 2017

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1.0 Principles

Queen Margaret University recognises that expected levels of workplace performance are essential to enable the organisation to achieve its objectives. The level of performance of all staff in the University directly relates to the level of performance of the University.

QMU is committed to ensuring the required levels of workplace performance are achieved and to supporting and assisting members of staff who are not achieving this required level of performance, to reach and maintain the required level.

It is our policy to ensure that concerns over performance are dealt with fairly and that steps are taken to provide support for members of staff who require support to assist them to achieve and to maintain, the expected level of performance.

In applying this procedure, the statutory employment rights, relevant terms and conditions of employment and employment policies adopted by the University will be observed.

2.0 Aims and Objectives

The aims of this policy are to:

- (a) ensure all members of staff are aware of and understand QMU's policies and procedures for managing performance
- (b) provide all line managers with a structured framework that supports the management of performance
- (c) provide positive means of support for members of staff to help them overcome issues that prevent them from realising the required level of performance
- (d) allow the University to maintain a high quality of service internally and externally
- (e) ensure all members of staff are treated fairly and consistently across the University.

3.0 Scope of the Policy

This policy applies to staff who are employed by Queen Margaret University in a substantive post. A substantive post is a post which is defined in the University core staffing structure. The policy does not apply to staff who are within their probationary period.

4.0 Data Protection Act

All information gathered on individuals as part of this policy will be processed in accordance with the provisions of the Data Protection Act.

5.0 Induction, Learning and Development

An explanation of all QMU policies should be provided by HR to all new members of staff to ensure they engage fully with the policy and process at an early stage.

HR offer training, advice, support, guidance and coaching for all managers involved in the implementation and application of this policy. The aim of this development is to provide awareness of Institutional policy and best practice, the legislative framework, including equal opportunities, and to enhance skills in managing and participating in the implementation and application of this policy.

6.0 Monitor and Review

Human Resources is responsible for monitoring the effectiveness of this policy and will review this policy as required. Anyone who feels they have been unfairly treated or discriminated against as part of this policy should notify HR without delay. HR will advise on the appropriate course of action and associated policy.

7.0 Equal Opportunities

The University is committed to equality of opportunity for all staff. It is the responsibility of all employees to promote “equality and diversity” in the application of this policy, ensuring that there is no discrimination on the grounds of the protected equality characteristics¹.

8.0 Responsibility for this Policy

Human Resources. Any changes to this policy and supporting procedures will be made in consultation with appropriate bodies. QMU reserves the right to update HR Policies and procedures in line with new or updated employment legislation.

9.0 Performance and Associated Core HR Policies

Performance Management and Performance Enhancement Reviews

The Performance Enhancement Review (PER) is QMU’s annual performance review process. It links the individual’s developmental objectives and career development plan to the school/department operational plan, succession plans and to the Institutional strategy and vision. The Performance Enhancement Review meeting is held at the start of the academic year with review meetings taking place quarterly during the year.

When performance is experienced that is below the expected level, good practice advises that the performance concern should be identified and addressed within the earliest possible timeframe. It should **not** be noted, stored and then re-introduced at a time when the issue has long passed. Whilst the PER process can identify reasons for objectives not being achieved and provide the opportunity to introduce a discussion of issues that have impacted on performance, the management of under-performance is not its primary remit.

¹ The Equality Act 2010 states the protected equality strands as age, disability, gender reassignment, marriage/ civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Performance Management and Sickness Absence

QMU's Sickness Absence Management Policy is applicable for staff whose performance is detrimentally impacted upon by ill-health or disablement. Where this is found to be the case, the University's Sickness Absence Management Policy should be followed.

Performance Management and Disciplinary

The Management of Performance Policy applies when there is a genuine lack of performance i.e. employee capability. In some instances, performance that continually does not achieve the expected level required by the job can arise because a member of staff is unwilling to undertake the work to the required standard or because there is a deliberate failure on the part of the member of staff to perform work to the level of which they are capable and are required to do. This is an issue of Employee conduct. When this occurs, if opportunities for improvement fail, or there is a failure to improve, this may result in disciplinary action as described in Stage 3 of this Policy.

10.0 Definition of Performance

This procedure should be adhered to when the member of staff is not achieving the level that is expected from them in their current role as described in their job description and agreed in PER objectives.

The level of performance is considered with reference to the member of staff's:

'skill, aptitude, health or any other physical or mental quality, and qualifications²'

This procedure is designed to address instances where the member of staff is lacking in a core area of:

- Knowledge
- Skill
- Ability
- Qualification³

Performance will be assessed in relation to the activities that make up the individual's role and must be determined in accordance with the current contractual obligations of the employee.

Consideration will always be given to whether poor performance may be related to a disablement and if so, whether there are any reasonable adjustments that could be made to working arrangements, including changing duties or providing additional equipment or training. It may also be necessary to make adjustments to this

² Employment Rights Act 1996 [Section 98 (3)(a)]

³ Employee qualifications is defined by the above Act as 'any degree, diploma or other academic, technical or professional qualification relevant to the position which (the employee) holds'.

procedure in appropriate cases. Where performance is below an expected level and is a consequence of issues relating to ill-health or disablement the manager must adhere to QMUs Sickness Absence Management Policy.

If the member of staff wishes to discuss this or inform the University of any medical condition they consider relevant, they should contact their line manager or HR.

11.0 Identifying a Performance Issue

Good practice strongly recommends that any form of performance that does not meet an expected level should be addressed early on. This aims to prevent the issue from worsening and also to avoid condoning the level of unacceptable performance. A manager's awareness of a performance issue should be based on solid and objective information.

Prior to considering if an unsatisfactory performance issue exists, the line manager should consider:

- does the employee have a clear understanding of their role ?
- has the member of staff requested assistance in removing barriers to achieving their objectives

In order to determine how the performance issue should be dealt with, the following questions need to be considered:

- what indications are there that the member of staff is not measuring up to the expectations required by the job?
- are there objective grounds to indicate performance does not meet the expected level?
- have there been complaints about, or criticisms of, the member of staff's work from students, colleagues (including secondees, contract staff, visiting lecturers), and/or core external professional bodies/individuals/partners?
- does the manager's own observations identify a dissatisfaction with the member of staff's performance?

Managers should be aware that issues that impact on performance at work can arise as a consequence of a variety of reasons and can include:

- personal circumstances
- changes in the workplace environment, including an increase in workload
- changes in technology
- ambiguity surrounding work objectives
- insufficient resources identified and allocated to achieve the objectives
- qualification, such as loss of driving licence

- bullying or harassment – please refer to QMU’s Grievance Policy

Before implementing this process it is essential that the manager spend time to identify and make an assessment of the reason/s for under-performance. The procedure involved will depend on the circumstances but should involve reviewing the PER documentation. It may require a review of the personnel file and any relevant documents. This ensures that the appropriate process is identified and adopted.

The University’s aim is to deal with performance issues sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with a matter which is subject to this procedure.

12.0 The Procedure

It is good practice for managers to deal with issues concerning performance informally in the first instance.

12.1 The Informal Procedure

If the line manager has a concern about a member of staff’s performance, initially an informal discussion between the member of staff and the line manager takes place. This discussion should focus on the particular performance issue. The manager should aim to ascertain the reasons why the member of staff is not achieving the expected performance level. The purpose of this discussion is to determine whether the member of staff accepts that there is a problem with their performance, and where this is the case, if they respond positively to constructive support that aims to improve their performance.

The manager must consider that their aim at this informal stage is to assist the member of staff to improve performance to the required standard. It is important to give both the manager and staff member the opportunity to explore the possible reasons why the member of staff’s performance is not reaching the required standard. This should be achieved by a sensitively handled discussion that is conducted in private, confidential and free from interruption.

12.2 The Informal Meeting

At the informal meeting, the manager should:

- be specific about their performance concern/s
- provide evidence and/or give examples to support their assertions
- support the individual to describe the situation from their perspective
- explore the individual's perspective of the issue, through the use of active listening, open-ended and follow-up questions
- encourage the member of staff to elaborate on generalities as these may reveal (indirectly) details of the issue

- be aware of potential contributory factors, such as poor relationships with colleagues, loss of credibility or reputation, lack of promotion contributing to de-motivation, insufficient training, increased workload, resource allocation or role ambiguity.
- avoid attributing blame (this takes the focus off finding a resolution)
- shape the discussion so that the real issue is identified, contributing factors are highlighted and possible solutions discussed and agreed
- Agree an informal Performance Improvement Plan that includes action which will address the issues causing performance concerns where possible, as well as agreeing a timescale for the performance to improve and dates for review meeting/s to take place.

The role of the manager at this stage is to raise awareness of performance concerns. The Manager should then work with the member of staff to determine the reasons for this and agree support to assist the member of staff to improve to the required standard.

12.3 Responses and Responsibilities

Responses: When initially addressed the member of staff's response generally falls into one of the four identified below:

1. the member of staff acknowledges the performance issue and asks for support to resolve it
2. the member of staff accepts that a performance issue exists. However he/she may leave it to the manager to suggest ways to resolve it
3. the member of staff expresses doubt as to the existence of a performance issue but is willing to respond to the manager's suggestions for improvement. In this case, the manager should discuss and agree the most appropriate actions available with the member of staff.
4. the member of staff denies the existence of a problem of unsatisfactory performance

In all cases, managers will adopt a supportive and constructive approach, and help to identify and provide the requisite support.

Responsibilities: It is the member of staff's responsibility to:

- agree, achieve and maintain the required levels of performance
- participate openly and honestly in all performance discussions
- consider and discuss reasons for performance concerns, including any mitigating circumstances
- agree any learning and development needs, including coaching
- agree timescales for the next review

The employee may also wish to consider their suitability in their current role and make any suggestions on alternative re-employment opportunities, if appropriate.

It is the manager's responsibility to:

- set realistic and measurable objectives, ensuring these are explained to members of staff and recorded in the PER
- support staff to achieve the standards set
- monitor and review standards of performance
- provide appropriate training and support to enable member of staff to achieve the required standard of performance
- encourage open and honest discussions throughout the process
- consider and discuss the reasons for performance concerns
- consider suitability for the role and discuss alternative employment, if appropriate
- ensure the member of staff is treated in a fair and consistent manner in accordance with the procedure
- maintain adequate file notes and records at all stages of the procedure
- agree timescales for review

12.4 Methods to Support Achieving the Expected Performance

Identifying an issue is half-way to resolving it. Once the performance concern has been explored, a number of options are available to support the individual to improve performance. Whilst not exhaustive, the table below lists the more common methods. The most appropriate method, or blend of methods, is specific to the circumstances and is agreed between the manager and the member of staff with assistance from HR. There should be agreement on the level of performance improvement required and the timeframe allowed for improvement.

Individual learning and development interventions (including coaching)	<p>The provision of training to enhance performance. The judgement of the appropriateness of further development and its delivery should be discussed and mutually agreed.</p> <p>The Performance Enhancement Review may need to be reviewed in light of the outcome of this discussion to ensure alignment and the individual is not overburdened with different development interventions.</p>
Flexible Working	<p>QMU endorse a variety of flexibility working approaches. This may be short-term or longer depending on the staff issue and what is viable operationally. Every effort must be made to accommodate such requests when performance issues are being addressed. Further information concerning flexible working can be found in the QMU Flexible Working Policy.</p>
Support in the Workplace (Mentoring)	<p>It is good practice to consider pairing the member of staff with a colleague who is skilled in the work in which the individual member of staff must improve. This provides the opportunity to share experience, learning and promotes awareness of good practice. The colleague must be chosen sensitively and agreed by all parties as a poor choice in selection could worsen the situation.</p>
Independent	<p>QMU provides an independent counselling service and</p>

Counselling Service

this may be of use to the individual. Managers and staff should be aware of these services and consider referral as and when it is deemed appropriate (this includes self referral).

12.5 The Formal Procedure

If, following the performance reviews that took place within the informal stage of the process, there has been no acceptable improvement in performance; a formal approach should be adopted. Prior to entering the formal stage the manager will ensure that the member of staff has had the necessary support in a reasonable timeframe, available to them in relation to the undertaking of their role and improving their performance. This timeframe will vary depending on the role and the specific context of each issue. The timeframe will be agreed between the line manager and employee.

The member of staff should be made aware of the potential consequences of the formal process.

At all stages of the formal procedure, a member of staff is entitled to have a trade union representative or work colleague present and may appeal against the outcome of the formal process at any stage.

12.6 The Formal Stage 1 Meeting

Where a member of staff is failing to perform to the required level in their role after having been given informal support, the University/the Manager will notify the member of staff in writing of the concerns over performance and the member of staff will be required to attend a meeting with their Manager. The member of staff will be given at least 5 working days' notice of the date, time and place of the meeting.

The written confirmation of the meeting will include:

- The stage reached in the performance procedure, i.e. Formal Stage 1
- A summary of the areas of unsatisfactory performance
- Confirmation of the standards of performance required as agreed at the informal stage
- Any mitigating reasons and any additional support provided to date
- The right to be accompanied

The purpose of this meeting will be to:

- Discuss and agree the areas in which the member of staff's performance does not achieve the expected standard and going through any relevant evidence that the Manager has gathered
- Allow the employee to ask questions
- Identify any reasons why any measures taken so far have not led to the required improvement
- Establish the required performance improvement, and how this will be measured

- Identify whether there are any further measures, such as additional training or supervision which may improve performance
- Agree a Performance Improvement Plan for addressing the performance issues with an agreed timescale for improvement. A template is provided in Appendix 1.
- Set timescales for a review period within which improvement should be achieved
- Convey the likely consequences if the member of staff fails to satisfactorily improve their performance

During this meeting the member of staff will be clearly informed of the precise deficiencies which have been identified in their performance and of the required improvement in the standard of their work.

The potential consequences of failing to meet the agreed performance level will also be clearly explained. There will be an opportunity for the member of staff to answer these points and to explain any difficulties which they may have had or are having, followed by a discussion on the ways and means by which the desired improvement may be achieved.

The member of staff has the right to be accompanied by a work colleague or by a trade union representative (including full time officials). The member of staff should confirm to the Line Manager who their companion will be in advance of the Stage 1 meeting. The companion will be allowed to address the meeting to put and sum up the case, respond on behalf of the member of staff, to any views expressed at the meeting and confer with the employee during the hearing. The companion cannot answer questions on behalf of the member of staff and can only address the meeting if the member of staff wants them to. If the line manager deems the choice of companion unreasonable or the companion can not be available to attend the meeting, the member of staff is entitled to choose someone else to act as companion. If this is not possible the Line Manager should reschedule the meeting to take place as soon as is mutually possible.

The member of staff has a duty to take all reasonable steps to attend the Stage 1 meeting.

The Outcome of the Formal Stage 1 Meeting

The Line Manager will record the outcome of the formal Stage 1 meeting in a letter to the member of staff within 5 working days of the meeting. The letter will include:

- The Performance Improvement Plan
- the possible consequences of failing to achieve the required level of performance improvement
- a verbal warning that will be recorded in the employee's personnel file

A member of staff has the right to appeal against any formal action taken against them in line with this policy.

The member of staff is entitled to have a staff representative or work colleague present and may appeal against the outcome of the formal process at any stage.

The Stage 1 Performance Review Meeting

The member of staff's performance will be monitored during the review period and a Performance Review Meeting will be scheduled to take place at an agreed time once any support measures identified/implemented have had a chance to take effect. Normally this is no more than 4 weeks after the formal stage 1 meeting, but this time schedule may vary depending on the role.

If, at the Performance Review Meeting, the desired improvement has been achieved, the member of staff will have this confirmed. This confirmation will be in writing by the Line Manager. If the level of performance is sustained at the acceptable level, no further formal action will take place. If the level of performance relapses back to an unacceptable level the Informal Stage is recommenced.

If the Manager feels that there has been a substantial but insufficient improvement, the review period may be extended and recorded on the Performance Improvement Plan.

If, at the Performance Review Meeting, the desired improvement has not been achieved the member of staff will have this confirmed verbally and the member of staff will then be invited to a Stage 2 Formal Meeting.

12.7 The Formal Stage 2

The Formal Stage 2 Meeting

If, at the Stage 1 Performance Review Meeting, the required performance improvement has not been achieved, a further meeting with the member of staff may be arranged.

The member of staff will be given at least 5 working days' notice of the meeting. The written confirmation of the meeting will include:

- The stage reached in the performance procedure, i.e. Formal Stage 2
- The Performance Improvement Plan
- The right to be accompanied

The purpose of this meeting will be to discuss and agree the:

- A review of the Performance Improvement Plan
- Timescales for a review period within which improvement should be achieved
- Future action which may be taken as a result of the member of staff failing to satisfactorily improve their performance.

During this meeting the member of staff will be clearly informed of the precise deficiencies which have continued to be identified in their performance, and, of the required improvement in the standard of their work.

The consequences of continuing to fail to meet the agreed performance level must be clearly explained to the member of staff.

The support methods that were identified at Stage 1 of the formal process will be reviewed and there will be discussion as to whether these methods should continue or if supplementary methods would be beneficial.

The member of staff will be given the opportunity to answer the points made as well as provide any other relevant information.

It may be felt appropriate at this Formal Stage 2 to discuss the potential for redeployment and HR are able to provide more information on this option.

The Outcome of the Formal Stage 2 Meeting

The Line Manager will record the outcome of the formal Stage 2 meeting in a letter to the member of staff within 5 working days of the meeting. The letter will include:

- The Updated Performance Improvement Plan
- Details of the right to appeal and the possible consequences of failing to achieve the required level of performance improvement

- A written warning that will be record in the employee's personnel file

The member of staff is entitled to have a staff representative or work colleague present and may appeal against the outcome of the formal process at any stage.

The Stage 2 Performance Review Meeting

The member of staff's performance will be monitored during the review period. The Performance Review Meeting will be scheduled to take place as an agreed time following the Formal Stage 2 meeting and once support measures have had a chance to take effect. Normally this is no more than 4 weeks after the formal stage 2 meeting, but this time schedule may vary.

If, at the Performance Review Meeting, the desired improvement has been achieved, the member of staff will have this confirmed. This confirmation will be in writing by the Line Manager.

If the Manager feels that there has been a substantial but insufficient improvement, the review period may be extended and recorded on the Performance Improvement Plan.

If, at the Performance Review Meeting, the desired improvement has not been achieved the member of staff will have this confirmed. Following this meeting, the member of staff will be invited to a Stage 3 Formal Meeting.

12.8 Formal Stage 3

Formal Stage 3 Final Meeting

If, despite all the interventions outlined above, the required performance improvement is not achieved within the review period, a Formal Stage 3 meeting may be convened. The member of staff will be given at least 5 working days' notice of the meeting. The written confirmation of the meeting will include:

- The stage reached in the procedure, i.e. Formal Stage 3
- the Performance Improvement Plan
- The right to representation

As with all meetings, the member of staff will be clearly informed of the continued performance concern and given the opportunity to answer the points made. The manager will make a decision as to whether there is any likelihood of the member of staff's performance achieving an acceptable level.

The member of staff is entitled to have a staff representative or work colleague present and may appeal against the outcome of the formal process at any stage.

Outcome of the Formal Stage 3 Meeting

If the manager believes the required performance improvement to be unattainable by the member of staff, the manager may consider a range of options including:

- whether permanent or temporary redeployment is possible (see appendix 2)
- dismissal on the grounds of capability.

A dismissal will normally be with full notice or payment in lieu of notice.

12.9 Right of Appeal

An individual has the right to appeal against any formal action taken against them in line with the formal stage of this policy.

The appeal must state the grounds for the appeal and must be submitted in writing within 5 working dates to the appropriate member of the Senior Management Team (SMT).

The appeal will be heard by someone senior to the manager who conducted the formal meeting.

If the employee raises any new matters in their appeal, a further investigation may need to be conducted. If any new information comes to light, the Line Manager will provide the employee with a summary including where appropriate, copies of additional relevant documents. The employee will have a reasonable opportunity to consider this information before the appeal hearing.

The employee will be invited to attend an appeal hearing within 10 working days of receiving the written request to appeal and will normally be given at least three working days notice. The employee has the right to be accompanied by a work colleague or by a trade union representative (including full time officials) to the appeal hearing.

The appeal hearing will be a review of the original decision taking into account any new information. The outcome of the appeal hearing will be given in writing within 5 working days of the date of the appeal. The decision at the appeal hearing is final and there is no further right of appeal.

12.10 Related Policies

- Performance Enhancement Review Policy
- Sickness Absence Management Policy
- Staff Learning and Development Policy
- Performance Enhancement Review

Appendix 1 Template of a Performance Improvement Plan

Employee Name _____ School/Dept _____ Line Manager Name _____

Objective	Performance Level Required	Performance Shortfall or Gap	Specific Development Plan – to Achieve the Required Level	Progress Update Such as performance progress update and notes of any interim reviews and dates

Employee Signed _____ Date _____

Line Manager Signed _____ Date _____

Date of Formal Review _____

Appendix 2

Redeployment Procedures for Capability Situations

General Principles

The opportunity for redeployment is depend on a suitable vacancy being available. A role can not be created to achieve redeployment for an individual.

Redeployment is made in agreement and will not be imposed on a member of staff. However should the employee refuse an opportunity of redeployment the employee will be fully advised of the potential consequences (i.e. potential dismissal).

Employees who wish to pursue redeployment will need to apply for the vacant role in line with the normal recruitment process. Redeployment will be an open recruitment and selection process alongside other University staff who wish to apply.

Consultation

Working in partnership with HR, it is the responsibility of the line manager to highlight the options available to the employee. This may include temporary, permanent and/or flexible working employment hours. This conversation should also include re-training and development needs as well as potential secondment opportunities. Consideration must be given to the individual employee's needs and abilities and managers may wish to consider some of the following areas:

- Gaining a clearer understanding of the employees skills, abilities and strengths. This may be by the use of various assessment tools such as practical exercises or psychometric developmental assessment tools.
- Areas in which the employee is currently effective
- Details of skills that have been used in the past and are retained by the employee (however perhaps not currently used)
- Specific areas of interest to the employee
- Areas of interest outside of work that requires skills and abilities that are not currently in use in the work context
- Employee personal circumstances such as those that might affect working hours
- A Training Needs Assessment (against the new role)
- Availably of required training/development

In some cases, the member of staff will require an element of retraining to the new role. This will require the development of a specific Training Plan. Retraining should be relevant, appropriate to ability of the individual and their circumstances and

focused on needs of the redeployment role. Ideally any arrangement should be accompanied by coaching or mentoring as well as potentially on the job training.

Offer of Redeployment

Any offer of alternative employment, or change in terms of employment, will be detailed in writing in a formal offer. This will include a probationary period in the new role. To ensure employee gets the best start in their new role, an effective induction plan should be created by the line manager.