

PERFORMANCE MANAGEMENT PROCEDURE

1. About this procedure

- 1.1 The primary aim of this procedure is to provide a framework within which managers can work with employees to maintain satisfactory performance standards and to encourage improvement where necessary.
- 1.2 The University wishes to assist employees who have difficulty achieving the required standards of job performance and to encourage and support improvement rather than to punish failure. People Development provides details of the support which is available to staff to assist their development during their employment with the University over and above the day-to-day instruction and training provided by employees' Schools or Services.
- 1.3 The University expects those with supervisory and management responsibilities to take the necessary steps to ensure that all staff are performing satisfactorily in their posts. Furthermore it is expected that any member of staff experiencing difficulties with their work should bring it to the attention of their manager and seek appropriate help and support.
- 1.4 All steps taken under this policy by the University will be carried out in accordance with the University's principles relating to equality and academic freedom, as enshrined in the Charter of Incorporation and the principles of fairness, reasonableness and natural justice.
- 1.5 If an employee experiences a problem of the kind outlined above, the University may take various courses of action, as appropriate, including but not limited to:
 - (a) Informal support
 - (b) Greater supervisory assistance
 - (c) Reviewing workload and targets
 - (d) Retraining or additional training
 - (e) Periodic performance reviews
 - (f) Changes to working arrangements
 - (g) Transfer to different work
- 1.6 This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.
- 1.7 This procedure has implemented following consultation with the University and Colleges Union and the University of Reading Staff Forum.
- 1.8 This procedure does not form part of any employee's contract of employment and it may be amended at any time. Amendments will be subject to consultation and negotiation with the University and College Union and the University of Reading Staff Forum and the review and approval of the University's Council. Minor amendments or those necessitated by a change in

the law will not be subject to this process. This procedure, including any time limits, may be varied as appropriate and reasonable in any case.

- 1.9 This procedure will be reviewed biennially with the University and College Union and the University of Reading Staff Forum and approved by the University's Council.
- 1.10 In this policy, reference to a member of the Academic Staff means a Lecturer, Associate Professor or Professor.

2. Identifying performance issues

- 2.1 In the first instance, performance issues should normally be dealt with informally between you and your line manager as part of day-to-day management. A note of any such informal discussions may be kept. The formal procedure should be used for more serious cases, or in any case where an earlier informal discussion has not resulted in a satisfactory improvement.
- 2.2 Informal discussions may help:
 - (a) clarify the required standards;
 - (b) identify areas of concern;
 - (c) establish the likely causes of poor performance and identify any training needs; and/or
 - (d) set reasonable targets for improvement and a time-scale for review.
- 2.3 Employees will not normally be dismissed for performance reasons without previous warnings. However, in serious cases of gross negligence, or in any case involving an employee who has not yet completed their probationary period, dismissal without previous warnings may be appropriate. This section applies only to employees during employment probation (usually the first six months of employment) and not academic probation.

3. Disabilities

- 3.1 The University is committed to complying with its obligations under the Equality Act 2010. If you are disabled within the meaning of the Equality Act 2010, reasonable adjustments will be considered and made as appropriate.
- 3.2 In applying this procedure, consideration will be given that performance may be related to a disability and, if so, whether there are reasonable adjustments that could be made to your working arrangements, including changing your duties or providing additional equipment or training.
- 3.3 In appropriate cases, we may consider making further adjustments to this procedure to accommodate disability and ill-health. Such adjustments may include extending time limits, permitting you additional support in meetings or arranging meetings away from the campus.
- 3.4 You are encouraged to contact your line manager or Human Resources to discuss or inform us of any medical condition you consider relevant. Such information will be treated sensitively and confidentially by those who need to know it.

4. Confidentiality

- 4.1 It is the University's aim is to deal with performance matters sensitively and with due respect for the privacy of any individuals involved. All parties must treat as confidential any information communicated to them in connection with a matter which is subject to this procedure, subject to the need to seek appropriate advice and guidance.
- 4.2 It is not the University's normal procedure for meetings or hearings to be tape recorded by either party unless there are exceptional reasons why this should be considered. However, from time to time there may be a request to tape record a hearing. The decision to do so will be taken by the person chairing the meeting in consultation with HR and in advance of the meeting. A recording may be made only where all parties agree to the use of tape recording. Minutes will be prepared of formal meetings and a copy of those minutes will be provided to the employee attending the meeting.
- 4.3 You will normally be told the names of any witnesses whose evidence is relevant to your performance management hearing, unless the person chairing the meeting exceptionally and reasonably believes that a witness's identity should remain confidential. There should be no normal expectation that the identity of witnesses will be kept confidential and witnesses should understand that evidence provided by them will, other than in exceptional circumstances, be provided to the employee who is subject to performance management proceedings.

5. Investigations

- 5.1 Investigations can be commenced by University managers (usually the manager of the person subject to the procedure), Human Resources, or as a result of a recommendation arising from another procedure (such as the grievance procedure).
- 5.2 The purpose of an investigation is for the University to establish a fair and balanced view of the facts relating to any concerns about your performance, before deciding whether to proceed with a performance management hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. The Human Resources Department will usually appoint an Investigating Officer to carry out the investigation.
- 5.3 Investigative interviews are solely for the purpose of fact-finding and no decision will be taken on performance management sanctions will be taken until after a performance management hearing has been held. The investigation interview will be attended by the Investigating Officer and a representative of Human Resources. The Investigating Officer may attend any subsequent hearing to present his or her investigation or to answer questions on it. However, he or she will not decide the case against you.

You do not normally have the right to bring a companion to an investigative interview, however, reasonable requests will, where practicable, in most circumstances be agreed. If it helps you to overcome any disability, or any difficulty in understanding English, or in other reasonable circumstances, the Investigating Officer may allow you to bring a companion. If you want to bring a companion to an investigation meeting, you must raise this with HR at the earliest opportunity, setting out your reasons.

- 5.4 All employees must co-operate fully and promptly in any investigation. This will include providing the names of any relevant witnesses, disclosing any relevant documents and attending investigative interviews if required.

6. Notification of a performance management hearing

- 6.1 Following any investigation, if there are grounds for taking formal action, you will be required to attend a performance management hearing. You will be informed in writing of the concerns about your performance and the potential outcomes of the hearing. You will also receive:
- (a) a summary of relevant information gathered during the investigation;
 - (b) a copy of any relevant documents which will be used at the performance management hearing; and
 - (c) a copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case you will be given as much information as possible whilst maintaining confidentiality.
- 6.2 You will be given written notice of the date, time and place of the performance management hearing and who will be attending it. The hearing will be held as soon as reasonably practicable. You will be given a reasonable amount of notice of the hearing, which will usually be no less than 10 working days.
- 6.3 The method of communications regarding hearings and outcomes will be agreed with you. In the absence of agreement, the preferred method of communication will be by email to your University email account.

7. Right to be accompanied at hearings

- 7.1 You may bring a companion to any performance management hearing or appeal hearing under this procedure. Your companion may be either a trade union representative or a colleague. You must tell the Manager conducting the hearing who your chosen companion is, in good time before the hearing, which will normally be five working days before the hearing.
- 7.2 A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.
- 7.3 If your companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, the University may ask you to choose someone else.
- 7.4 During a hearing your companion may make representations and ask questions but he or she cannot answer questions on your behalf. You may talk privately with your companion at any time during the meeting.

8. Procedure at performance management hearings

- 8.1 You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct. If you fail to attend without good reason, or are persistently unable to do so (for example for health reasons), the University may have to take a decision based on the available evidence. You will be informed of this in writing.

- 8.2 The hearing will be chaired by an appropriate manager who will be more senior than you in accordance with the following table:

	STAGE 1 OR STAGE 2 PERFORMANCE MANAGEMENT MEETING	STAGE 3 PERFORMANCE MANAGEMENT MEETING
Staff in grades 1-5	Line Manager <u>plus</u> support from HR	Line Manager or other appropriate manager (with sufficient seniority) <u>and</u> an HR representative
Professional and managerial staff in grades 6-9	Line Manager <u>plus</u> support from HR	Head of Function (in Services) or Head of School (in Schools) <u>and</u> another appropriate manager <u>plus</u> support from HR
Academic Staff in grades 6-9	Head of School <u>plus</u> support from HR	Head of School <u>and</u> another appropriate manager <u>plus</u> support from HR

- 8.3 Where dismissal may be the sanction, if you consider that the performance that is the subject of the performance management raises questions of academic freedom, you may make an application to the Vice-Chancellor. The Vice-Chancellor will consider your application and, if he or she considers that there are questions of academic freedom, he or she will direct that the "other appropriate manager" on the panel shall be an independent person from a list of such independent persons which shall be reviewed and agreed with the University and College Union each year.
- 8.4 You or the Investigating Officer may ask that relevant witnesses appear at the hearing, which will be permitted provided that it is reasonable for such witnesses to appear and provided you or the Investigating Officer give the University sufficient advance notice to arrange their attendance, which will normally be five working days before any hearing. You and the Investigating Officer will be given the opportunity to respond to any information given by a witness. In appropriate circumstances, where the Chair of the hearing/Panel decides that it is reasonable for you to do so and/or that a fair hearing could not be held otherwise, you and/or the Investigatory Officer may be permitted to ask questions directly of the witness. Aggressive or adversarial questions or questioning will not be allowed.
- 8.5 The performance management hearing will usually involve:
- Setting out the required standards that it is suggested you may have failed to meet, and going through any relevant evidence that has been gathered. The Investigating Officer may be present at the hearing and you will have the opportunity to ask questions of clarification concerning the process and findings of the investigation.
 - Allowing you to ask questions, present evidence, call witnesses, respond to evidence and make representations.

- (c) Establishing the likely causes of poor performance including any reasons why any measures taken so far have not led to the required improvement.
 - (d) Identifying whether there are further measures, such as additional training or supervision, which may improve performance.
 - (e) Where appropriate, discussing targets for improvement and a time-scale for review.
 - (f) If dismissal is a possibility, establishing whether there is any likelihood of a significant improvement being made within a reasonable time and whether there is any practical alternative to dismissal, such as redeployment.
- 8.6 The Manager/Panel may adjourn the performance management hearing if it is determined that any further investigation is required. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 8.7 You will be informed in writing of the decision and the reasons for it, usually within 10 working days of the performance management hearing; the letter will include reference to the outcome and where appropriate, any actions, support, and timescales for improvement, the sanction, the right of appeal and to whom any appeal should be made.

9. Performance Management Sanctions

- 9.1 Following a performance management meeting as set out in paragraph 8, the University may issue you with a performance management sanction.
- 9.2 **Stage 1: first written warning:** If it is determined that your performance is unsatisfactory, you will be given a first written warning.
- 9.3 Your performance will be monitored during the review period set out in the first written warning and you will be notified, in writing, at the end of it:
- (a) if your line manager is satisfied with your performance, that no further action will be taken;
 - (b) if your line manager is not satisfied, that the matter may be progressed to a Stage 2 performance management hearing; or
 - (c) if your line manager considers that there has been a substantial but insufficient improvement, that the review period may be extended.
- 9.4 **Stage 2: final written warning** if your performance does not improve within the review period set out in a first written warning, following a further meeting as set out in paragraph 7, the University may decide to give you a final written warning.
- 9.5 Your performance will be monitored during the review period set out in the final written warning and you will be notified, in writing, at the end of it:
- (a) if your line manager is satisfied with your performance, that no further action will be taken;
 - (b) if your line manager is not satisfied, that the matter may be progressed to a Stage 3 performance management hearing; or
 - (c) if your line manager considers that there has been a substantial but insufficient improvement, that the review period may be extended.
- 9.6 **Stage 3: dismissal or redeployment:** The University may decide to hold a Stage 3 performance management hearing if it has reason to consider that:

- (a) your performance has not improved sufficiently within the review period set out in a final written warning;
 - (b) your performance is unsatisfactory while a final written warning is still active;
 - (c) your performance is wholly or partially caused by ill health or the result of an accident and the University has reasonable grounds to believe your performance will not improve to the required standards; or
 - (d) your performance has been grossly negligent such as to warrant dismissal without the need for a final written warning.
- 9.7 Following the Stage 3 hearing, if it is determined that your performance is unsatisfactory, a range of options may be considered including:
- (a) Dismissal;
 - (b) Redeployment into another suitable job at the same or (if you agree) a lower grade;
 - (c) Extending an active final written warning and setting a further review period (in exceptional cases where we believe a substantial improvement is likely within the review period); and/or
 - (d) Giving a final written warning (where no final written warning is currently active).
- 9.8 Dismissal will normally be with full notice or payment in lieu of notice, unless your performance has been so negligent as to amount to gross misconduct, in which case we may dismiss you without notice or any pay in lieu.
- 9.9 Following the period of review, on assessment of your performance during it, your line manager or another appropriate manager may decide to move to the next stage, as set out above. If there is a clear decline in your performance, your line manager or another appropriate manager may exceptionally decide to move to the next stage before the expiry of the review period.

10. The effect of a warning

- 10.1 Written warnings will set out:
- (a) the areas in which you have not met the required performance standards;
 - (b) targets for improvement;
 - (c) any measures, such as additional training or supervision, which will be taken with a view to improving performance;
 - (d) a period for review; and
 - (e) the consequences of failing to improve within the review period, or of further unsatisfactory performance.
- 10.2 The warning will remain active for the period of review. After the expiry of the review period, if no further action is taken, the warning will remain permanently on your file but will be disregarded in deciding the outcome of future formal proceedings.

11. Appeals against action for poor performance

- 11.1 If you feel that a decision about poor performance under this procedure is wrong or unjust you should appeal in writing, stating your full grounds of appeal, to the Director of Human Resources within 10 working days of the date on which you were informed in writing of the reasons for the decision.

- 11.2 If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful you will be reinstated with no loss of continuity or pay and, subject to any lesser sanction imposed, the overturned decision will not prejudice your current employment or future career prospects.
- 11.3 You will be given written notice of the date, time and place of the appeal hearing. This will normally be at least 10 working days after you receive the written notice.
- 11.4 The appeal hearing will be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light.
- 11.5 The appeal hearing will be chaired by an appropriate manager who is more senior than the manager who chaired the performance management hearing, in accordance with the following table, who has not been previously involved in the case:

	APPEAL AGAINST WRITTEN WARNING OR OTHER SANCTION SHORT OF DISMISSAL	APPEAL AGAINST DISMISSAL
Staff in grades 1-5	Manager of Line Manager <u>plus</u> support from HR	Manager of the person who took decision to dismiss <u>and</u> an HR representative
Professional and managerial staff in grades 6-9	Manager of Line Manager <u>plus</u> support from HR	Head of Service or Pro-Vice-Chancellor <u>and</u> another appropriate manager <u>plus</u> support from HR
Academic Staff in grades 6-9	A Pro-Vice-Chancellor <u>plus</u> support from HR	A lay member of the University's Council <u>and</u> the Vice-Chancellor, Deputy Vice-Chancellor or a Pro-Vice-Chancellor <u>plus</u> support from HR

- 11.6 In cases where you have been dismissed, if you consider that the performance that is the subject of the performance management process raises questions of academic freedom, you may make an application to an appointed member of the University's Council, who will consider your application. If he or she considers that there are questions of academic freedom, he or she will direct that the Vice-Chancellor, Deputy Vice-Chancellor or Pro-Vice-Chancellor position on the panel shall be instead undertaken by an independent person from a list of such independent persons which shall be reviewed and agreed with the University and College Union each year.
- 11.7 You may bring a companion with you to the appeal hearing as set out at paragraph 7.

- 11.8 The University may adjourn the appeal hearing if Chair of the appeal hearing/Panel considers it needs to carry out any further investigations in the light of any new information. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 11.9 The outcome of the appeal hearing may be to:
- (a) confirm the original decision;
 - (b) revoke the original decision; and/or
 - (c) substitute a different sanction which shall not be more serious than the one imposed following the performance management hearing.
- 11.10 You will be informed in writing of the final appeal decision as soon as possible, usually within 10 working days of the appeal hearing. There will be no further right of appeal.