

**MANAGING PERFORMANCE**

**POLICY AND PROCEDURE**

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## **1 Introduction**

- 1.1. The University is committed to fostering an inclusive culture where everyone feels valued, and opportunities are equal; where staff can bring their authentic selves to work and are enabled to thrive and succeed in the performance of their role.
- 1.2. The university expects all employees to strive to attain the highest levels of performance, to contribute to the delivery of its vision to be the best modern university in the UK and to feel empowered to do so by upholding and demonstrating the university's core values; to be inclusive, collaborative, and impactful.
- 1.3. Employees have a duty to be competent and perform their role in an acceptable way. Where this is not happening, the university is entitled to intervene with a view to improving the performance of the employee.

## **2 The Public Sector Equality Duty**

- 2.1. The Equality Act (2010) requires public bodies such as the University of Greenwich to consider how their decisions and policies affect people with different protected characteristics.
- 2.2. The university is committed to promoting equality of access and outcome for all, celebrating diversity, and providing an inclusive learning and work environment for all students, staff, and visitors. The university will ensure they pay 'due regard' to the need to eliminate discrimination, harassment, and victimisation; advance equality of opportunity; and to foster good relations, irrespective of their age, disability, gender re-assignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief and sexual orientation'.

## **3 Aims**

- 3.1. This policy and procedure seek to:
  - 3.1.1. Provide a framework for managing performance in a fair and consistent way.
  - 3.1.2. Provide clearly defined steps for line managers to follow when their employee's performance gives rise to concerns or falls below acceptable standards and requires additional intervention beyond the expected levels of advice, encouragement, training, or support.
  - 3.1.3. Ensure employees have all reasonable opportunities to improve and maintain their performance to the required level and to encourage employees to improve and become fully effective again.

## **4 Scope**

- 4.1. This policy and its procedures apply to all university employees including hourly paid lecturers, staff on fixed term contracts and students who are also employees (action under this policy and procedure relates only to their employment and not their status as a student).

- 4.2. This policy and procedure are independent from the appraisal process and may be used at any point during the year to address performance concerns, regardless of the last appraisal assessment. Where there are performance concerns about staff who are still serving their probationary period, please refer to the Probation Policy and Procedure for further guidance, which can be found on the university staff portal.
- 4.3. This policy does not apply to workers, agency workers or self-employed contractors.

## **5 Managing Performance – Guidance for Line Managers**

- 5.1. Managing performance is the responsibility of line managers. It is an ongoing and proactive process, and the appraisal is a tool that helps to facilitate this. However, managing performance should not be viewed as something that only happens when an employee's performance doesn't meet the university's expectations. Line managers should support and monitor the performance of the employees they manage by maintaining regular contact, typically through regular one-to-one discussion. The line manager is also responsible for monitoring the workload of employees and for ensuring that expectations are proportionate and reasonable.
- 5.2. Equally, the employee is responsible for maintaining a satisfactory level of performance, meaning that they should carry out their job to the standard that is expected of and required for the role and grade as per their job description or person specification. The employee is expected to engage fully in the appraisal process and meet the objectives set and to cooperate fully with their line manager, undertaking any agreed development activity.
- 5.3. There may be circumstances where a line manager reasonably believes that an employee was set a reasonable task or objective and yet failed to meet it when given every opportunity to do so. This policy is intended to provide a constructive, standardised, and formal framework to support line managers in addressing such problems of performance.
- 5.4. Where performance concerns arise, line managers are responsible for initiating Informal Action or the Formal Procedures under this policy, whichever is appropriate.
- 5.5. To maintain consistency of application of the procedures within this policy across the university, line managers are encouraged to seek guidance from their local HR representative at all stages of performance management, both informal and formal. It is also reasonable to expect that line managers will share information about their employee's performance management with their own line manager.

## **6 Informal Action**

### **6.1. The Performance Improvement Plan (PIP)**

- 6.1.1. Where a line manager has concerns about performance standards or objectives not being met, and one-to-one meetings have not resolved these concerns, a confidential informal meeting should be held between the line manager and employee and the Performance Improvement Plan (PIP) initiated. There should be no other member of staff present at these meetings and employee's do not have the right to be accompanied. The purpose of the meeting is to:

- a) Discuss the expected standards and expectations of performance and clarify the nature of the performance concerns with specific examples.

- b) Line managers should note that a reduction in performance may arise from problems outside of the employee's control or other personal issues, therefore all performance issues should be approached with care and sensitivity.
- c) When trying to establish the cause of underperformance the line manager should also remain aware of the possibility that a physical or mental impairment, which is either undisclosed, or remains unknown to the employee, could be the reason or a contributing factor to the employee's underperformance – See also [Neurodiversity in the Workplace Guidance](#) found on the university staff portal. Following discussion with the employee, this may be explored with an occupational health referral (see [Occupational Health Referrals](#)).
- d) Identify actions required by the employee and any reasonable support needed. Examples of support could include additional training or mentoring.
- e) Set targets and a timescale for review, to be agreed between employee and line manager (Not less than four weeks and not more than three months)

6.1.2. The PIP form template can be found on the university staff portal. The PIP form is a tool the line manager should use to document and structure the discussion and actions identified during the process, working in collaboration with the employee, which means the PIP should reflect input from the employee. If the employee does not agree with a particular performance issue their response, the mitigating reasons why they disagree should be documented. The aim is to improve performance promptly and locally by addressing any factors preventing the meeting of objectives and to avoid escalation to a formal procedure.

6.1.3. A HR representative will not be present at PIP meetings; however, line managers may wish to seek advice on how to complete the PIP form and how to approach the PIP review meetings from them. Line managers should also refer to the PIP Guidance document for advice on completing the PIP form. This can also be found on the university staff portal.

6.1.4. The outcome of the first meeting, including expectations for improvement, actions, support to be provided and timescales, should be clearly communicated to the employee and documented in the PIP and the employee provided with a copy of the PIP form.

6.1.5. Regular meetings should be scheduled throughout the review period and line managers are advised to diarise the dates of the review meetings with the employee promptly and at the beginning of the process, including the final review date. The line manager is responsible for updating the PIP form following each review meeting and sharing the updated copy with the employee. Both line manager and employee should take the most up to date copy of the PIP form to each meeting.

6.1.6. Feedback should be constructive, and the employee given every opportunity to express their views on the issues raised, including identifying any barriers to improving their performance, such as time and workload management, or meeting an identified training needed.

## 6.2. Occupational Health Referrals

6.2.1. If, as part of this process and during discussion with the employee, matters come to light which indicate that the employee's mental or physical health is impacting on their ability to carry out their role and subsequently affecting performance, or where they have, or may have a disability

which is affecting their performance, the line manager should discuss this with their local HR representative and seek an occupational health referral if it is deemed appropriate. Guidance for line managers on making an occupational health referral can be found on the university staff portal.

- 6.2.2. Occupational health will advise on the impact of any disability or health problem on the employee's ability to perform their role, including any reasonable adjustments that should be considered (Reasonable Adjustments guidance can be found on the university staff portal).

### **6.3. The Equality Act 2010**

- 6.3.1. A disability is defined under the Equality Act 2010 as a physical or mental impairment that has a 'substantial' and 'long term' negative effect on an individual's ability to do normal daily activities. This includes progressive conditions, which is a condition which gets worse over time.

### **6.4. Employee Assistance Programme (EAP)**

- 6.4.1. The university provides a free and confidential Employee Assistance Programme (EAP), which is available to employees. Further information can be found [here](#).
- 6.4.2. Line managers should ensure their staff are aware of the Employee Assistance Programme and how to access it.

### **6.5. 'Access to Work' Mental Health Support**

- 6.5.1. The Access to Work Mental Health Support Service is a workplace mental health support service delivered by [Maximus](#). Employees can find further information, check their eligibility, and complete a self-referral by clicking [here](#).

### **6.6. Concluding the Performance Improvement Plan (PIP)**

- 6.6.1. If the employee has met the required performance targets at the end of the review period and the manager is satisfied that the outcome of the PIP has been successful, the review meeting should be held as planned and the employee informed of this but should be advised that the same level of performance is expected to continue. The PIP will not be placed on the employees HR record, however, should the same performance concerns arise within 12 months the Formal Performance Management Meeting Procedure may be initiated. Where formal procedures are initiated the PIP will be placed on the employee's HR record.
- 6.6.2. Where it is considered appropriate to allow the employee more time to achieve expectations the PIP may be extended.
- 6.6.3. Where it becomes apparent early in the PIP review period that an employee has been unable to meet the targets set and is evidently unable to reach the required standards in the remaining review period, it may be appropriate to bring the PIP to a close and initiate the Formal Performance Management Meeting Procedure. The line manager must discuss this with their HR representative prior to doing so.

6.6.4. If an employee progresses to the Formal Performance Management Meeting Procedure, the information recorded at the informal stage on the PIP form will be taken forwards into the formal stages and serve as a reference for the performance concerns and action taken to date. The PIP will continue to be used as a tool to record and document the further stage(s) of the performance management process. Each stage will be clearly separated on the form.

## 6.7. Redeployment

6.7.1. Redeployment to an alternative role within the university may be considered and the line manager should discuss this with their HR representative. The option of redeployment is not a statutory right and suitability will be considered on a case-by-case basis. Equally an employee cannot be forced to move to another position.

6.7.2. In the case where redeployment is considered suitable it is the responsibility of the employee to seek redeployment opportunities. However, the Formal Performance Management Meeting procedure must not be delayed if the employee seeks redeployment opportunities, and the line manager should proceed with the formal procedure. Employees should note that when seeking redeployment opportunities, the PIP will be shared with a prospective new line manager.

## 7 Formal Action

### 7.1. The Formal Performance Management Meeting Procedure

7.1.1. Following Informal Action, where it becomes apparent that an employee's performance remains below an acceptable level, despite agreed support being put in place or where health and safety is put at significant risk or substantial costs or other liabilities are being incurred, the line manager should advise the employee that the Formal Performance Management Meeting Procedure will be initiated. A two-stage process is outlined below.

7.1.2. A Formal Performance Management Meeting will be held without undue delay and unless it is impractical to do so, the employee will be given no less than seven calendar days to prepare for the meeting. Notice will be provided in writing, of the following:

- a) The date, time, and location of the meeting.
- b) The purpose of the meeting.
- c) The right to be accompanied.
- d) Evidence of the concerns, including copies of information or documentation collated during the informal process, including the PIP.
- e) The potential outcomes of the meeting if the required improvement in performance is not achieved.

7.1.3. If the employee wishes to provide additional information for consideration, they should submit this no later than three working days before any formal meeting.

7.1.4. The Formal Performance Management Meetings will be conducted as follows:

- a) The *First Formal Performance Management Meeting* will be conducted by the employee's line manager and a representative from Human Resources. A note taker may also be present.

- b) The *Final Formal Performance Management Meeting* will be conducted by the relevant decision maker (see [Appendix B](#)) and deemed the Hearing Manager, with a representative from Human Resources. A note taker may also be present.

7.1.5. Where performance remains below the required standards, a Final Formal Performance Management Meeting may result in dismissal.

7.1.6. The employee may bring a companion to a Formal Performance Management Meeting or Appeal Meeting (see [Right to be Accompanied](#)).

7.1.7. The employee must take all reasonable steps to attend a meeting. Failure to attend without notification or good reason, may be treated as misconduct.

7.1.8. Confirmation of any decision made following a meeting, the reasons for it, and the right of appeal will be provided in writing, without unreasonable delay. Minutes of the meeting will also be provided within a reasonable timescale.

## **7.2. Covert Recording of Meetings**

7.2.1. The employee and anyone accompanying the employee, are prohibited from making covert audio recordings of any informal or formal meetings conducted under this procedure. The covert audio recording of meetings will be regarded as misconduct and dealt with according to the *Disciplinary Policy and Procedure*.

7.2.2. Except where the audio recording of a meeting is requested as a reasonable adjustment by the employee, the university will not make audio recordings of any meetings conducted under this procedure.

## **7.3. Confidentiality**

7.3.1. The university will seek to maintain the confidentiality and dignity of employees. All parties involved in a Performance Management matter must exercise due care to maintain confidentiality and records must be stored according to the General Data Protection Regulation (GDPR) requirements.

## **7.4. Right to be Accompanied**

7.4.1. An employee may be accompanied at a Formal Performance Management Meeting or Appeal meeting under the Managing Performance Policy and Procedure by a workplace colleague, a trade union representative or an official employed by the trade union. The employee must inform their line manager and the HR representative conducting the meeting who their chosen companion is, in good time before it takes place.

7.4.2. If the companion is not available at the time proposed for the meeting, the meeting will be postponed and rearranged at a date and time proposed by the employee that is both reasonable and no more than five calendar days after the date originally proposed.

7.4.3. Acting as a companion is voluntary and colleagues are under no obligation to do so. Employees are allowed reasonable time off from duties without loss of pay to act as a companion.



7.4.4. A companion should not answer questions on behalf of the employee but may make representations and ask questions and sum up. The employee and companion may talk privately at any time during the meeting.

7.4.5. Typically, an employee would not be accompanied by a relative or partner, however at the university's discretion, the employee may be allowed to bring a companion who is not an employee or trade union representative if this is deemed reasonable, for example, where this will help overcome a disability or significant health condition, or where the employee has difficulty understanding English.

## 7.5. First Formal Performance Management Meeting

7.5.1. Where Informal Action has not been successful a Formal Procedure will be instigated, which will follow the procedure set out in the Formal Performance Management Meetings Procedure regarding the arrangements for and right to be accompanied at a Formal Performance Management Meeting.

7.5.2. The purpose of the meeting will be:

- a) To review earlier informal discussions with the employee as documented in the PIP.
- b) To outline, providing examples, of the reasons the employee's performance is still not considered to be at an acceptable level.
- c) To discuss steps taken so far to support an improvement in their performance, including any reasonable adjustments where applicable.
- d) To give the employee the opportunity to explain their unsatisfactory performance and put forward any mitigating circumstances.

7.5.3. Further to the meeting, having considered any mitigating factors raised by the employee and where they are unable to provide a satisfactory explanation for the reasons their performance remains below the acceptable standards, a Formal Warning is issued. The manager will confirm this to the employee in writing without unreasonable delay and will include the following:

- a) The outcome of the meeting and formal warning confirmed.
- b) A summary of the issues discussed.
- c) The specific improvements required within the review period.
- d) Details of the review period with clear targets and objectives and date of the review meeting (Not less than four weeks and not more than three months)
- e) Any agreed support to be provided.
- f) A summary of the consequences of not making the necessary improvements to performance, including possible dismissal.
- g) The employee's right to appeal.

7.5.4. Where there has been insufficient improvement in performance within the review period following a formal warning, or if further serious performance issues arise during this time, the review meeting may be brought forward.

7.5.5. Where an employee is issued with a formal warning in accordance with this procedure, they will have a right of appeal (see [Appeals](#)).

## 7.6. Final Formal Performance Management Meeting

7.6.1. Following the First Formal Performance Management review period, if performance improvement has not met the required standards, the employee will be invited to attend a Final Formal Performance Management Meeting.

7.6.2. The Final Performance Management Meeting will follow the procedure set out in the Formal Performance Management Meetings Procedure regarding the arrangements for and right to be accompanied. The hearing manager conducting the meeting should make it clear in their letter to the employee that a possible outcome of the meeting could be dismissal.

7.6.3. The purpose of the meeting will be:

- a) To present and summarise the history of the case to date, as documented in the PIP.
- b) To discuss steps taken to support the employee to meet the required standards, including reasonable adjustments where applicable.
- c) To give the employee the opportunity to explain their unsatisfactory performance and put forward any mitigating circumstances or raise any issues they wish to have considered.

7.6.4. Having considered any mitigating factors raised by the employee and where they are unable to provide a satisfactory explanation for the reasons their performance remains below the acceptable standards, the hearing manager may do one of the following:

- a) Extend the formal warning to allow further time for the employee to meet the required standards, with targets, review period and review date to be set with the employee, or
- b) Dismiss the employee on the grounds of poor performance (with appropriate notice or pay in lieu of notice)

7.6.5. The hearing manager will confirm this to the employee in writing without unreasonable delay and will include the following:

- a) A summary of the issues discussed and confirmation of dismissal with appropriate notice or pay in lieu of notice.
- b) The employee's right to appeal.

See Appendix A: [Managing Performance Flow Chart](#).

## 8 Appeals

8.1. An employee has the right to appeal against a formal warning or dismissal.

8.2. An appeal should be made in writing within seven calendar days of the date on the outcome letter, stating the grounds for appeal (why the employee thinks the outcome was wrong or unfair). The appeal hearing would not usually be a complete re-hearing of the case and therefore, the employee must be specific about the grounds for appeal as these will form the agenda for the hearing.

- 8.3. The appeal should be addressed to the person named in the outcome letter and copied to the relevant HR representative involved in the case. Formal action taken will remain in force unless and until it is modified as a result of the appeal. The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.
- 8.4. The employee should submit any additional documentary evidence they wish to be considered no later than three working days before the meeting to hear the appeal. Any new matters raised by the employee in their appeal, may mean that further investigation is carried out. Where any new information comes to light, a summary will be provided to the employee including, where appropriate copies of additional relevant documents and witness statements.
- 8.5. The appeal will be heard without unreasonable delay, and the employee notified in writing of the time, date, and place of the appeal hearing. Appeals against formal warnings and appeals against cases of dismissal will be heard by the relevant decision maker (See [Appendix B](#)). A HR representative will be present at all appeal meetings and a note taker may also attend. The employee may bring a companion to an appeal hearing (See [Right to be Accompanied](#)).
- 8.6. The appeal hearing may be adjourned if further investigations need to be carried out in the light of any new evidence provided by the employee at the hearing. The employee will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 8.7. Following an appeal, the original decision may be confirmed, revoked, or replaced with a different decision. The final decision will be communicated to the employee in writing without undue delay, within five calendar days. The appeal decision will be conclusive and there will be no further right of appeal.

## **9 Other Policies**

### **9.1. Probation Policy and Procedure**

Concerns regarding an employee's performance during the probation period should be addressed under the university's Probation Policy and Procedure, found on the university staff portal.

### **9.2. Overlapping Grievances**

If an employee raises a Grievance during this procedure, which is not linked to the Formal Performance Management Process, it will typically be heard separately and without delaying the Formal Performance Management proceedings. If an employee raises a Grievance during this procedure, which is linked to the Formal Performance Management Process, it will typically be heard as a relevant issue during the Formal Performance Management process.

### **9.3. Sickness Absence Policy and Procedure**

The university's Sickness Absence Policy and Procedure can be found on the university staff portal.

### **9.4. Disciplinary Policy and Procedure**

The university's Disciplinary Policy and Procedure can be found on the university staff portal.

#### **9.5. Reasonable Adjustments Guidance**

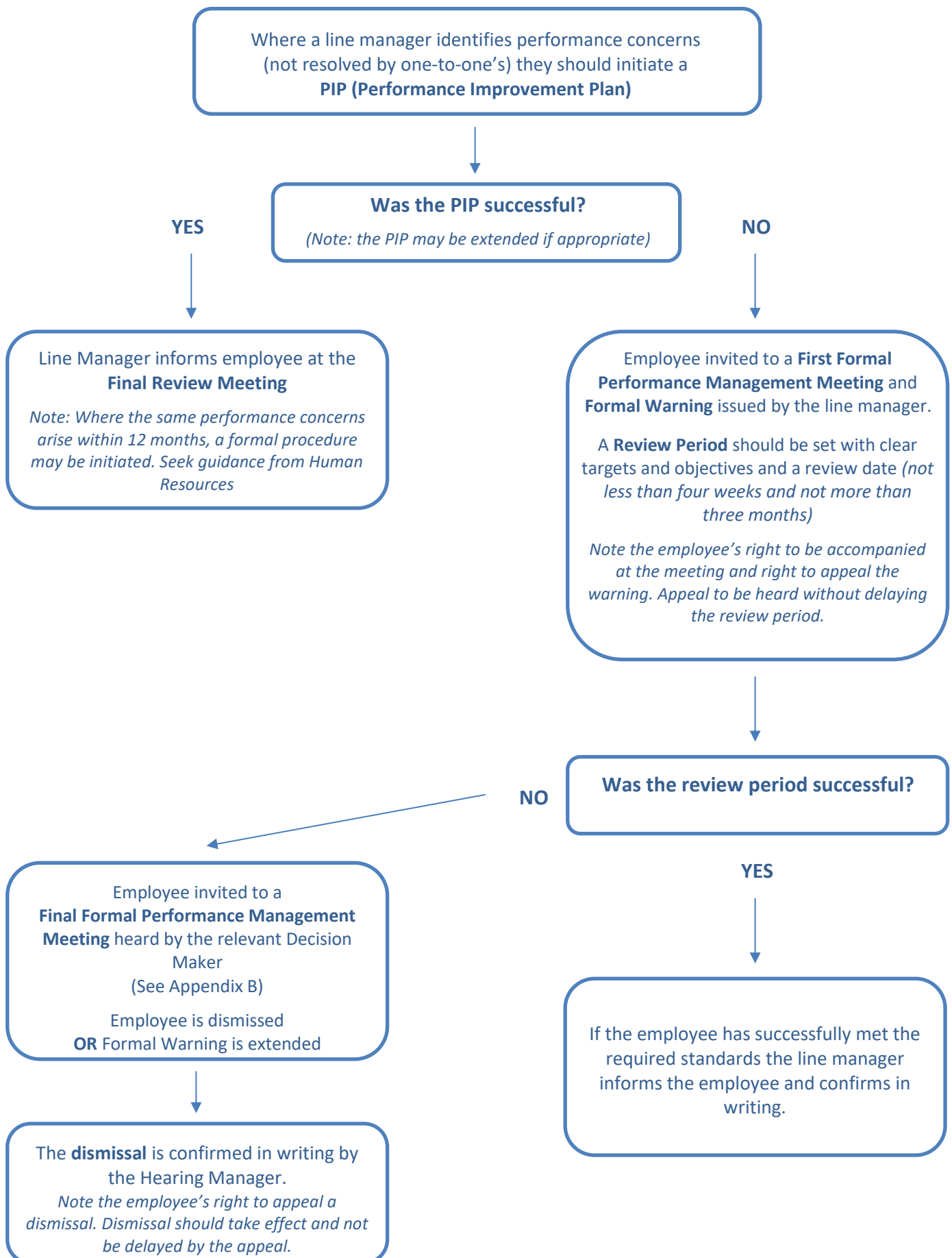
Guidance on Reasonable Adjustments can be found on the university's staff portal.

#### **9.6. Menopause Information and Guidance**

Information and Guidance on the Menopause for staff and line managers can be found on the university staff portal.

#### **9.7. Appraisal Policy and Procedure**

The university's Appraisal Policy and Procedure can be found on the university staff portal.

**10 Appendix A – Managing Performance Flow Chart**


## 11 Appendix B – Decision Making Authority

### Decision Making Authority - Managing Performance

The tables below set out who is responsible for conducting meetings and appeals at the formal stages of this policy and procedure, dependent upon where the employee works within the university.

<b>Professional Services Directorates, Vice-Chancellors Office, Secretariat and Greenwich Research and Enterprise (GRE)</b>
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<b>First Formal Performance Management Meeting – Warning</b>	
<b>Heard by and Warning Issued by Line Manager</b>	<b>Appeal Heard by</b>
Manager	Member of SMT
Member of SMT	Executive Director
Executive Director	Vice-Chancellor or nominee

<b>Final Formal Performance Management Meeting - Dismissal</b>	
<b>Heard by and Dismissal Issued by</b>	<b>Appeal Heard by</b>
Executive Director or Nominee	Vice-Chancellor or Nominee

<b>Faculties</b>
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<b>First Formal Performance Management Meeting – Warning</b>	
<b>Heard by and Warning Issued by Line Manager</b>	<b>Appeal Heard by</b>
Manager	HoS
Head of School	Deputy Dean or Associate Dean*
Deputy Dean or Associate Dean*	PVC
PVC	Vice-Chancellor or nominee

<b>Final Formal Performance Management Meeting - Dismissal</b>	
<b>Heard by and Dismissal Issued by</b>	<b>Appeal Heard by</b>
PVC	Vice-Chancellor or Nominee

*\*Where cases involve professional services staff within Faculties, Faculty Operating Officers (FOO) can undertake duties assigned to Deputy Dean or Associate Dean.*

<b>Member of Vice-Chancellor Group (VCG)</b>
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<b>First Formal Performance Management Meeting - Warning</b>	
<b>Heard by and Dismissal Issued by</b>	<b>Appeal Heard by</b>
Manager	Vice-Chancellor
Vice-Chancellor	Governor

<b>Final Formal Performance Management Meeting - Dismissal</b>	
<b>Heard by and Dismissal Issued by</b>	<b>Appeal Heard by</b>
Vice-Chancellor	Governor

*N.B. for some employees on senior management contracts, certain employment procedures have been incorporated into the contract of employment.*

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*This policy will be reviewed regularly.*