



**London
South Bank**
University

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Performance Improvement Policy

A guide to addressing poor performance

Become what you want to be

Purpose and Principles

Our success as a University is built on the contribution of each one of our staff, so we know how important it is to create an environment which fosters the very best people, where everyone feels valued and able to contribute to the development of the University.

There will be times when an individual's performance falls below the standard we expect. Most performance issues can be resolved through early informal discussion, regular 1:1s, feedback and a manager's support.

This policy sets a fair and objective framework for resolving issues when the day to day support of the manager hasn't been effective, ideally through improved performance.

This policy does not form part of the contract of employment.

Who does the policy apply to?

This policy applies to all LSBU employees who have passed probation. The policy does not apply to agency workers, anyone working for a third party supplier or external consultants.

This policy does not apply to employees of University subsidiary companies or similar organisations associated with LSBU.

For cases concerning the performance of a senior post holder the provisions of the LSBU articles will apply.

What is poor performance?

If someone appears to be willing to perform well but isn't able to achieve the standard expected the Performance Improvement Policy will apply.

Here are some examples of poor performance:

- Inability to meet the needs of students within a teaching context
- Poor communication with students or customers
- Using out of date subject/professional knowledge to inform work
- Missing deadlines
- Repeated errors or inaccuracies in course material, or written documents
- Absenteeism*

*Cases of incapability due to sickness absence will be dealt with under LSBU's Sickness Absence Policy.

If someone appears to have the ability to perform well but is unwilling to perform to the standard expected due to inappropriate behaviour, their attitude or wilful neglect of duties this will be considered to be misconduct and the Disciplinary Procedure will apply

Examples of misconduct:

- Wilful negligence
- Behaviour contrary to LSBU values
- Poor timekeeping
- Fraud
- Violence
- Breaking the rules
- Bullying or harassment
- Refusing to follow reasonable instructions

Causes of Poor Performance

When a manager first recognises a performance issue it is important to consider what the underlying cause may be.

Possible causes might be:

- Insufficient training or experience
- Lack of competence
- Unclear responsibilities or standards

- Lack of motivation to perform well
- Personal difficulties, ill health or absence
- Disability
- Stress
- Work overload or lack of resources

Reasonable Adjustments

Sometimes an individual's ability to perform to the standard expected may be affected by a disability. LSBU will make reasonable adjustments for disabled staff so that their support needs or access requirements are met and they have the opportunity to perform effectively in their role. For further information on making reasonable adjustment go to: [LSBU Reasonable Adjustments Policy](#)

Informal Supervision and Standard Setting

As part of day to day management every LSBU employee will normally have regular supervision with their line manager where reasonably practical. This will include a period of induction; probationary reviews; monthly 1:1s and an annual appraisal. Monthly 1:1s are an opportunity to:

- Receive feedback and on what's going well and where improvement or development is needed
- Discuss and agree workload, priorities, expectations and objectives
- Receive guidance, information and coaching on work challenges
- Discuss learning and development needs

Informal Review Meeting

If informal feedback and discussion do not lead to the expected improvement the line manager should write to the employee to:

- Set out the nature of their concerns with specific examples
- Invite the employee to an informal meeting to discuss their performance
- Explore the underlying reasons for the presenting issue
- Provide a copy of this procedure

After considering the employee's views the manager may decide to:

- Take no further action
- Refer the matter to the disciplinary or sickness procedure if appropriate
- Put in place an informal review period (see below)
- Set clear improvement objectives
- Provide guidance or training to the employee to support them to improve

The manager will keep notes of the meeting and share these with the individual within ten working days.

The manager will identify a reasonable period of review according to the circumstances, taking account of the pattern of work; planned periods of absence; the academic cycle and frequency of opportunities to demonstrate improvement. For example 2-3 month review period but exceptionally up to 6 months.

Sources of Support

It is important to us that staff and managers going through the performance improvement process have access to information or support. Here are some useful sources of support:

- OD and Development Team

- HR Service Desk
- Your trade union representative
- Employee Assistance Programme
- LSBU Dignity at Work Advisers
- Equality and Diversity Team

Stage 1: First Formal Review Meeting

If the informal review does not lead to satisfactory improvement within the review period the manager will write to the employee to invite them to a formal review meeting, giving at least five working days' notice setting out:

- The nature of the problem
- Place, date and time of meeting
- The right to be accompanied by a union representative or work colleague
- A copy of this procedure

The purpose of the meeting will be to discuss the concerns about performance and decide what measures should be put in place to support the required improvement being achieved.

The meeting will be conducted by the employee's line manager, supported by an adviser from HR.

At the meeting the manager will outline their concerns; ask the employee to respond and put forward any explanation they may have for the underperformance identified. The manager will explore with the employee any training, support or other solutions which may enable them to improve.

After discussion the manager will decide:

- To take no further action

- To refer the matter to be investigated under the disciplinary procedure if appropriate
- Put in place a formal performance improvement programme – designed to bring performance up to an acceptable level

Performance Improvement Programme

The performance improvement programme (PIP) is a set of measures designed to help the employee improve their performance. Ideally each measure will be agreed with the employee. However, if agreement cannot be reached LSBU may include any part of the improvement programme without agreement in order to achieve business objectives.

Each programme will be tailored to the individual, will be documented using the Performance Improvement Programme template (See Appendix 1) and will include:

• Timescales

The overall timescale by which the improvement must be achieved will be set out together with timescales to achieve individual milestones – normally between 2-3 months but exceptionally up to 6 months

• Targets

The specific areas in which improvement is required, the specific success criteria, and how the employee's performance will be assessed

• Supportive Measures

Any reasonable steps the manager agrees to put in place to support improvement such as: training; coaching or mentoring; additional supervision; reallocation of duties; additional support from colleagues;

change in process; new software or equipment; reasonable adjustments.

- **Feedback**

Regular feedback sessions should be put in place to let the employee know whether or not they are on track to deliver the required improvement.

- **Review**

At the end of the PIP the employee's performance will be reviewed. If satisfactory progress has been made the manager will confirm this in writing to the employee. The employee will be expected to sustain the improvement for six months. Any deterioration in performance within six months will be dealt with under Stage 2.

If the manager feels some progress has been made but further improvement is required they may decide to extend the review period or amend the PIP.

If the manager feels that insufficient progress has been made they may decide to arrange a Stage 2 meeting.

Stage 2: Final Formal Review Meeting

If the PIP does not lead to sufficient improvement in performance, or there has been deterioration within six months of the PIP review, the manager will write to invite the employee to a Stage 2 meeting, giving at least 5 working days' notice and setting out:

- Place, date and time of meeting
- The purpose of the meeting: to formally consider the employee's alleged incapability to carry out their role
- A report of the line manager's assessment of the performance issues including details of the PIP, specific examples of unmet

objectives and details of the business impact. (See Appendix 2 for template)

- The right to be accompanied by a union representative or work colleague
- A copy of this procedure

The hearing will be conducted by the line managers' manager, supported by an adviser from HR.

The manager conducting the meeting will invite the line manager to present their report. The employee will be given the opportunity to respond to the manager's report and state their case.

After considering the manager's and employee's views the manager conducting the meeting may decide:

- To take no further action
- To put in place another PIP or
- Issue a formal improvement warning to the employee

Final Improvement Warning

A warning will be issued if the manager conducting the meeting concludes that LSBU has taken reasonable steps to allow the employee to perform at an acceptable level, but that these measures have not worked.

The warning will be confirmed in writing and will set out the improvement required and explain the timescale within which the improvement must be made. It will also explain that if the improvement does not take place, the employee may be dismissed. The warning will be kept on the personal file for a period of 12 months after which time it will expire and be removed. The member of staff will receive written confirmation from HR when the expired warning has been removed from their personal file.

Stage 3: Capability Dismissal Hearing

If an employee has been given a final warning under Stage 2 that is still live, and the line manager finds their performance does not improve within the required timescale, the line manager will invite the employee to a Stage 3 meeting, giving at least 10 working days' notice and setting out:

- The purpose of the meeting - to formally consider the employee's alleged incapability to carry out their role
- A report of the line manager's assessment of the performance issues including details of the PIP, specific examples of unmet objectives and details of the business impact
- Place, date and time of hearing
- The right to be accompanied by a union representative or work colleague
- A copy of this procedure

The meeting will normally be conducted by a Dean or Director, with another manager and an adviser from HR. If the case concerns the performance of a Dean, Director or member of the Executive, or the Dean or Director has already been involved in the case, a more senior manager will conduct the hearing.

At the meeting, the employee will have the opportunity to respond to any criticisms made of his/her performance and make representations about how the situation should be treated.

The outcome of the meeting may be:

- A decision to take no further action;
- An extension to the final warning;
- An offer to redeploy the employee to alternative work; (without salary protection)
- A decision to dismiss the employee.

Redeployment

Any offer to redeploy the employee will be entirely at LSBU's discretion. Such an offer will be made only where the university is confident that the employee will be able to perform well in the redeployed role. It will normally be offered only as an alternative to dismissal in circumstances in which the organisation is satisfied that the employee should no longer be allowed to continue to work in their current role. While the employee is free to refuse any offer of redeployment, the only alternative available will usually be dismissal.

Dismissal

If the senior manager hearing the case believes that there is no alternative role available and suitable for the employee, but that they have not reached an acceptable standard of performance, LSBU may decide to dismiss. Any dismissal will be with full notice or payment in lieu of notice. The decision to dismiss together with the reasons for dismissal will be set out in writing and sent to the employee.

Where an employee is dismissed in accordance with this procedure, they will have a right of appeal.

Appeal

An employee has the right of appeal against a sanction issued under stages 2 or 3 of this procedure. A request for an appeal should be sent in writing to Executive Director of OD and HR and set out the grounds on which the employee believes that the decision was flawed or unfair. The request should be sent within seven days of the employee receiving written confirmation of the sanction imposed on them.

An appeal meeting will be arranged to consider the matter. A more senior manager who has not been involved in the case will chair it, supported by an adviser from HR.

The employee will be entitled to be accompanied by a fellow employee or a trade union representative

At the meeting, the decision to impose the sanction will be reviewed and the employee will be entitled to make representations about the appropriateness of that decision.

The outcome of the appeal meeting may be:

- To confirm the sanction
- Revoke the dismissal and issue another warning
- Offer redeployment to alternative work – without salary protection

The outcome of the appeal will be confirmed to the employee in writing, explaining the grounds on which the decision was reached. The outcome of the appeal will be final.

Notes

Academic Freedom

LSBU acknowledges that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy.

Capability problems are approached on a progressive basis. The objective of the process is to bring any concerns about work performance to the staff member's attention and provide a reasonable opportunity for them to improve. Before a staff member can be dismissed on capability grounds they can normally expect the concerns to be discussed in an informal review process, and to have two formal warnings before a decision is taken to dismiss.

If the staff member's representative is unable to attend the meeting on the date given, the staff member has the right to suggest an alternative

date and time as long as this is reasonable and it is not more than ten calendar days after the original date

This procedure does not set out prescriptive timescales, which will inevitably vary with the facts of each case. As a general rule a satisfactory improvement will be expected within 2-3 months but exceptionally 6 months of the PIP being put in place.

The manager hearing the case at each stage will have discretion to decide the timescales appropriate in the circumstances. What matters is that the employee is given adequate time in which to demonstrate improved performance before further action is taken. The manager will need to balance this need for time with the impact on the University of on-going performance issues. It will also be important to avoid the additional stresses that are caused when an employee is placed under additional supervision for an extended period of time.

Review

This policy will be reviewed one year after implementation.

Appendices

- 1. Performance Improvement Programme Template**
- 2. Manager's Performance Report Template**



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