



Staff Conduct Policy – Guidelines

Managing Ongoing Poor Performance

GUIDELINES FOR MANAGING ONGOING POOR PERFORMANCE

What is poor performance?

Poor performance is where a staff member is not meeting the requirements of their role. This may be identified through observations of the staff member's manager, through issues being raised by students or staff, or through the job not getting done.

Managers¹ must consult with their Human Resources contact person when they wish to formally address concerns about a staff member's performance. HR provides advice to the Manager about the processes for managing poor performance. These include performance development, performance improvement and performance management.

The formal process usually entails setting measurable objectives for the staff member with regular monitoring and review by the Manager. An opportunity is provided for the staff member to improve their performance within a reasonable and specified time frame. The aim of the process is to provide a structured and clear plan to motivate and incentivise the staff member to lift their performance to the required standard.

What is ongoing poor performance?

Ongoing poor performance is where, despite a remedial process, the staff member's performance is still unsatisfactory. In these circumstances, the staff member's ongoing poor performance is dealt with through a remedial process that is disciplinary in nature.

The aim of the remedial disciplinary process is also to motivate and incentivise the staff member to lift their performance through meeting objectives set out in a plan. However, if the staff member's performance does not improve within the specified times for improvement to occur, the Manager may impose a warning or dismissal for ongoing poor performance.

Procedure

Where a remedial disciplinary process is being implemented, the steps in the process will be as the circumstances require. The staff member is entitled to representation/ support throughout the process and the Manager is supported by their HR contact person. Objectives must be measurable and time frames for improvement must be reasonable in the circumstances.

The procedure may include the following steps:

- (a) The Manager advises the staff member that as their performance has not improved to a satisfactory level, a remedial process in a disciplinary context will be implemented. This will include the possibility that disciplinary penalties will apply if the staff member does not meet their performance objectives within the specified time frames.
- (b) The Manager sets the performance objectives in consultation with the staff member.. A reasonable and specified timeframe is allowed for the staff member to improve their performance.
- (c) Where appropriate, an opportunity is provided for the staff member to receive additional training.

¹ The manager undertaking the performance development, improvement or management process is normally the line manager but in some circumstances may be a more senior manager or another manager.

- (d) At the end of the period for improvement, a disciplinary meeting is held. The staff member is advised of their right to have representation/support at the disciplinary meeting.
- (e) The Manager reviews the staff member's performance against the set objectives. If applicable, the Manager outlines the specific areas where the staff member's performance is still unsatisfactory. The staff member (or their representative) is provided with a real opportunity to be heard and offer explanations. The Manager gives full consideration to the staff member's explanation and any mitigating circumstances before making a decision.
- (f) The Manager advises the staff member of the decision. Where the staff member's performance is still unsatisfactory and a warning is given, the Manager considers whether any amendments need to be made to the performance objectives. If so, the Manager may seek comments from the staff member. Once the objectives are confirmed by the Manager, an opportunity within a reasonable and specified time frame is allowed for the staff member to improve their performance.
- (g) At the end of the period for improvement, a further disciplinary meeting is held. If applicable, the Manager outlines the specific areas where the staff member's performance is still unsatisfactory. The staff member (or their representative) is given a real opportunity to be heard and offer explanations. The Manager gives full consideration to the staff member's explanation and any mitigating circumstances before making a decision.
- (h) The staff member is advised of the decision. This may include a further warning or dismissal for ongoing poor performance.
- (i) Where a further warning is given, repeat from step (f).
- (j) The process is continued until the staff member reaches a satisfactory standard of performance or is dismissed for ongoing poor performance.

Penalties

Where ongoing poor performance is established, the following penalties are available:

1. Formal verbal warning (oral warning in writing)
2. Formal written warning
3. Final written warning
4. Dismissal

The level of the penalty imposed can be at any step.

Where a warning is given, further failure to improve performance may lead to a further warning or dismissal.

Each warning may be given for up to 12 months. The time period for a warning is superceded by the time period for any subsequent warning.

Dismissal would normally occur with notice. The Manager may elect to pay out the notice.