



VICTORIA UNIVERSITY OF
WELLINGTON
TE HERENGA WAKA

Staff Conduct Policy – Guidelines

Managing Performance Issues

1. Introduction

- 1.1 Performance issues are typically issues concerning a Staff Member's day-to-day work. They are considered differently to instances of misconduct or serious misconduct. However, ongoing poor performance may be dealt with in a disciplinary context.
- 1.2 Poor performance is where a Staff Member is not satisfactorily meeting the requirements of their role, to the standards required. This may be identified through various means, including observations of the Staff Member's manager, through issues being raised by Students or other Staff Members, or through the job not getting done.

2. Informal intervention

- 2.1 Managers are responsible to manage performance issues as soon as possible after they become apparent and should attempt to resolve these issues early and informally where possible. Some performance concerns may be able to be sufficiently addressed through informal intervention alone. This may be the case where the performance issues are at a low level and any support measures to assist the Staff Member to improve their performance can be readily provided in discussion with the Staff Member.
- 2.2 Informal intervention can be initiated by the Manager, or by the Staff Member (e.g. if they identify areas where they feel they need additional support or training). Managers should also consider if there are any underlying reasons contributing to the performance issues.
- 2.3 Informal intervention can include (but is not limited to):
 - providing regular and ongoing feedback on work produced at the time issues arise;
 - discussing issues during an informal meeting and agreeing timeframes for improvement;
 - using a written list of tasks that need to be completed within a specific timeframe;
 - undertaking relevant training;
 - providing coaching or mentoring;
 - monitoring and continuing to provide feedback and support during any agreed timeframes.
- 2.4 It's important to keep a written record of all discussions relating to performance issues, even informal discussions. One good way to do this is to send the Staff Member an email confirming what has been discussed.

3. Formal intervention

- 3.1 If informal intervention has not been effective in supporting the Staff Member to bring their performance up to the required standard, formal intervention can be considered. Managers¹ must consult with Human Resources when they wish to formally address concerns about a Staff Member's performance. Human Resources provides advice to the Manager about the processes for managing poor performance.
- 3.2 In these circumstances, the Staff Member's poor performance is addressed through a process that may become disciplinary in nature. The aim of the formal process is to provide clarity to the Staff Member on the performance standards required, and to give them a reasonable opportunity to improve their performance to the required standards within a reasonable specified time frame. 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. Reasonable interventions by Managers, or supporting Managers, to improve a Staff Member's performance do not constitute workplace bullying.
- 3.3 Where a formal process is being implemented, the steps in the process will be as the circumstances require. However, the relevant process must be carried out in accordance with the Staff Member's employment agreement and any applicable University policies. The Staff Member is entitled to

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

representation/support throughout the process and must be advised at the outset of their entitlement to seek independent advice. The Manager is supported by Human Resources.

3.4 By way of guidance, the formal process may, for example, include the following steps:

- (a) The Manager advises the Staff Member, in writing and prior to any formal meeting, that because their performance has not improved to a satisfactory level, despite informal interventions, a formal process will be implemented.
 - Human Resources will assist the Manager in preparing this communication. In summary, information provided to the Staff Member will include:
 - The specific reasons for the dissatisfaction with the Staff Member's performance;
 - A summary of the informal interventions that have occurred previously;
 - A proposal to implement clear and objectively measurable performance objectives (these should be set out in detail), with regular monitoring and review by the Manager;
 - An indication of what the Manager considers a reasonable time period for it to be established whether the Staff Member has improved to a satisfactory level;
 - An invitation to a meeting with the Manager to discuss and hear the Staff Member's feedback on the proposals;
 - Notification that disciplinary penalties may apply if the proposals are implemented and the Staff Member does not meet their performance objectives within the specified time frames; and
 - The Staff Member's right to seek independent advice and have a representative or support person attend the meeting.
- (b) The Manager and the Staff Member (and their representative/support person) meet to discuss the performance issues and performance objectives, and any reasonable training or support they consider is needed. Clear and objectively measurable performance objectives are set, with regular monitoring and review by the Manager, with a reasonable and specified timeframe for improvement. This plan is put in writing and provided to the Staff Member.
- (c) Where appropriate, an opportunity is provided for the Staff Member to receive additional training and/or access to reasonable additional support. Regular and ongoing feedback should continue to be provided by the Manager to the Staff Member throughout.
- (d) At the end of the period for improvement, a meeting is held, which may be disciplinary in nature. The Staff Member is advised of their right to have representation/support at the 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.
- (f) The Manager gives full consideration to the Staff Member's explanation and any mitigating circumstances before making a decision and advises the Staff Member.
 - 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 seeks comments from the Staff Member.
 - Once the objectives are confirmed by the Manager, a further opportunity within a reasonable and specified timeframe is allowed for the Staff Member to improve their performance.
- (g) At the end of the period for improvement, a further meeting is held, which may be disciplinary in nature. The Staff Member is advised of their right to have representation/support at the meeting.
- (h) 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.
- (i) The Manager gives full consideration to the Staff Member's explanation and any mitigating circumstances before making a decision and advises the Staff Member. This may include a further warning or dismissal for ongoing poor performance.
- (j) Where a further warning is given, repeat from step (f).
- (k) The process is continued until the Staff Member reaches a satisfactory standard of performance or is dismissed for ongoing poor performance.

3.5 Penalties

- (a) 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
- (b) Dismissal for ongoing poor performance should only occur where a Staff Member has previously been given a warning/s and has had reasonable time, information and support to improve. The Manager should closely consider all mitigating factors, including whether enough progress has been made to avoid dismissal. Human Resources must be consulted in relation to any proposal to dismiss a Staff Member for ongoing poor performance.
- (c) Where a warning is given, further failure to improve performance may lead to a further warning or dismissal.
- (d) The maximum duration of a warning may be set out in a Staff Member's employment agreement. The time period for a warning is superseded by the time period for any subsequent warning.
- (e) Dismissal would normally occur with notice. The Manager may elect to pay out the notice.