

## Management of Under-Performance FAQs

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**1 Q What is Under-Performance?**

**A** Under-Performance is where the level of performance achieved by an employee is below the standard of performance expected within the role. This may be in terms of skill, aptitude and/or application.

**2 Q What is the Management of Under-Performance procedure?**

**A** The purpose of the Management of Under-Performance procedure is to ensure that employees achieve and maintain the level of work performance expected of them and to provide a fair and consistent mechanism for dealing with those employees who are unable to achieve a satisfactory level of work performance.

**3 Q What is the difference between the Management of Under-Performance and the disciplinary procedure?**

**A** The aim of the Management of Under-Performance procedure is to deal with matters relating to unsatisfactory performance, whereas the disciplinary procedure exists to manage matters considered to be misconduct.

**4 Q What responsibility do employees have in respect of their performance?**

**A** Employees should be able to achieve and maintain a satisfactory level of performance, but may from time to time need to be given appropriate training and development opportunities as well as support and encouragement to reach the required standard. If you are not clear as to what you are expected to do or achieve you should raise your concerns with your manager.

**5 Q What responsibility do managers have in respect of managing performance?**

**A** Managers will be expected to manage the performance of their employees, tackling performance issues as soon as they become obvious and where there is a shortfall, address this in a supportive way. Regular formal or informal discussions, including the annual Performance Development Review (PDR), will help clarify expectations, identify any problem areas and allow action to be taken promptly.

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- 6 Q What can be expected during the informal stage of the Management of Under-Performance procedure?**
- A** If an employee's performance is not up to the required standard the manager should coach the employee to try to help them improve. It is important that concerns are brought to the employee's attention as soon as possible and that the expected standards of performance are made clear. The manager should explore possible causes of the poor performance, discuss what measures can be put in place to improve performance, and agree a timescale for improvement. It is important to set objectives that are realistic and achievable and to ensure that the employee understands what is required of them. The objectives should be reviewed with the employee on a regular basis. In addition, it is important to consider other measures that could be put in place, such as increased supervision and training. It is always advisable to follow up the discussion and confirm the agreed actions in writing. Please refer to the Management of Under-Performance procedure for further information on informal measures.
- 7 Q What if there are health concerns which may be hindering satisfactory performance of an employee?**
- A** If there are concerns relating to health, injury or disability, advice should be sought from HR and Occupational Health. If an underlying medical condition exists which is impacting on the employee's ability to do their job satisfactorily then it is important that reasonable adjustments to the job are made. The Management of Under-Performance procedure may not be appropriate. If, for example, the employee has a high sickness absence record In this case, the Managing Sickness Absence procedures should be used.
- 8 Q When should matters be taken down the formal route under the Under-Performance procedure?**
- A** Managers are expected to use informal ways of addressing performance concerns. Early identification of problems provides an opportunity for the manager and an employee to discuss the situation in an informal but structured way with the aim of agreeing a way forward. If this informal action does not result in the required improvement then it may be necessary to progress matters under the formal stages of the Management of Under-Performance procedure. It is expected that an informal approach will normally produce the necessary improvements in performance and remove the need to progress to formal action. If the informal action does not bring about the required improvement in performance then the formal stages of the procedure will be instigated.

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- 9 Q How will an individual be notified of the requirement to attend an Under-Performance meeting and how much notice is given?**
- A** The employee will be notified that they are required to attend an Under-Performance meeting in writing. The employee will receive at least five working days' notice of the meeting and will have the right to be accompanied by a workplace colleague (University of Portsmouth employee) or a trade union representative.
- 10 Q Do employees have the right to be accompanied at a meeting? What is the role of an employee's companion?**
- A** The employee has the right, if they wish, to be accompanied in the formal stages by a workplace colleague (University of Portsmouth employee) or a trade union representative. The companion is permitted to address the meeting in order to put forward the employee's case; they can sum up the case and comment upon any view expressed at the meeting. The companion is also permitted to confer with employee during the meeting. It should be noted that the companion has no right to answer questions on behalf of the employee, to address the meeting if the employee does not wish them to do so, or to prevent the employer explaining its case.
- 11 Q What happens if the representative/companion is not available at the time of the meeting?**
- A** If the employee's representative is not available at the time proposed for the meeting then the employee may request that the meeting is postponed to another reasonable time. The employee should offer a date which is not later than five working days from the original time proposed.
- 12 Q Can audio/ visual recording of interviews and meetings be taken?**
- A** No, neither the manager nor an employee can insist on making an audio/ visual recording of any interview or meeting. In exceptional circumstances it may be appropriate to agree to a recording where the employee is disabled and requests such a recording as a reasonable adjustment to the usual procedure to enable them to cope with the process or where English is not the first language. The usual course of action for producing a record of meetings is for another employee with note-taking skills to attend and take notes on a confidential basis. The employee and their companion are also free to take their own notes.

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- 13 Q When might it be appropriate to issue a Formal Notification?**
- A** During the formal stages if it is determined that the employee has not reached the required standard despite receiving appropriate support and guidance, a formal notification may be issued to the employee. The formal notification will inform the employee that their performance still needs to improve and will state the timescale by which the improvement should be made. Specific objectives should be agreed so the individual is clear about what they need to achieve. The formal notification will also make clear the potential consequences of not achieving the required standards.
- 14 Q How long are formal notifications held on an employee's personal file?**
- A** A copy of the Formal Notification will be placed on the employee's personal file. Normally it will be disregarded after twelve months subject to achieving and sustaining satisfactory performance. However if a performance issue arises within the twelve months of the Formal Notification being issued then the procedure can be commenced at Stage Two or a later stage if appropriate. Advice must be sought from HR.
- 15 Q Can an employee appeal against a Formal Notification?**
- A** Details of the appeals process is in the Management of Under-Performance procedure.
- 16 Q What if a grievance is raised during the Management of Under-Performance proceedings?**
- A** In the event of an employee raising a grievance or complaint against their line manager or other manager during the Management of Under-Performance Procedure, an independent manager will be nominated by the Director of HR to carry out investigations as outlined in the Grievance Procedure (or to continue the Management of Under-Performance Procedure). The Management of Under-Performance Procedure will continue in parallel with the Grievance Procedure.
- 17 Q What happens if someone involved in the process becomes absent through ill health?**
- A** If an employee becomes unwell during the course of the procedure, the employee should normally be referred to Occupational Health. This should be discussed with the employee. An employee may become anxious and stressed in the run-up to an under-performance meeting and it is therefore important to establish from Occupational Health whether the employee is fit to attend a meeting, even if a fit note has been received confirming them as being unfit for

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normal work duties. It may be recommended by Occupational Health that it is in the interests of the employee's wellbeing for the meeting to proceed as this removes the underlying cause of the anxiety.

**18 Q What support is available to employees going through the Under-Performance process?**

**A** The University provides access to an independent employee assistance service called Right Corecare and further information can be obtained from their website <http://eap.rightcorecare.co.uk/>

HR can also provide advice. Details of the HR Business Partner/ HR Adviser for your area can be found at the following url:-

<http://www.port.ac.uk/departments/services/humanresources/contactus/stafflist/>

If you are a member of a Trade Union they will be able to provide support and advice. Contact details can be found at the following urls for UCU and Unison:-

<http://ucu.port.ac.uk> and <http://www.port.ac.uk/unison>

The University has an Occupational Health Service and employees who are unwell can access this service either by a referral from their manager or they can self refer. Please refer to the managing sickness absence procedures for further details at:-

<http://www.port.ac.uk/intranet/humanresources/conditionsofemployment/sicknessabsence/>