

HANDLING POOR PERFORMANCE

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- **SUBJECT:** PROCEDURE FOR DEALING WITH POOR PERFORMANCE
- **DATE OF ISSUE:** 1 September 1996
- **DATE EFFECTIVE:** 1 September 1996

INTRODUCTION

[This procedure](#) relates to alleged incompetence by lecturers and support staff and is separate and distinct from all other procedures. It does not apply to procedures which deal with misconduct, grievance, appraisal, redundancy, ill-health, nor to termination of fixed term contracts. Poor performance is, however, a matter for discipline if informal attempts to rectify the poor performance fail.

It is an employee's responsibility to maintain an adequate standard of professional competence at work. The standards that an employee is expected to satisfy will be explained to an individual taking up a new appointment, or a promotion in the same establishment.

The procedure that follows is intended to facilitate the handling of allegations of on competence in as fair a way as possible. Informal attempts to resolve the problem will normally be made before the formal stages of procedure are invoked. The emphasis will always be on helping the individual to improve performance to the standard required.

INFORMAL PROCEDURE

A Line Manager who reasonably believes that an employee is not satisfactorily carrying out the work he/she was engaged to do shall bring the matter to the attention of the employee informally and in as constructive a manner as possible, identifying those areas of performance which are a matter of concern.

The employee shall have the opportunity to comment, express views or offer an explanation. Proper consideration shall be given by the Line Manager to any professional, personal or domestic problem(s) which may be affecting the employee's performance.

The Line Manager shall agree with the employee a programme of action designed to improve performance, including one or more of the following:

- (a) direct supervision/support from an appropriate senior member of staff skilled in the work carried out by the unsatisfactory employee:
- (b) where practicable, further training:
- (c) written guidance and/or programmes of work.

A timescale for the programme shall also be agreed. (The Line Manager shall make a note of the points put to the employee, his/her comments/explanations and of the agreed Action Plan for improving performance).

At the end of the agreed timescale, the Line Manager shall have a discussion with the employee to review his/her performance. At the end of the discussion, The Line Manager shall inform the employee of his conclusions, which may be that:

(a) The employee's performance is now satisfactory, and no further action will be taken and the entry on the employee's personal file deleted.

(b) The employee's performance has improved although not sufficiently, and an extension to the programme for improvement is required.

(c) The employee has failed to improve and that the formal procedure will be instigated.

THE FORMAL PROCEDURE

The formal procedure may be instigated for serious, extensive, or continuing poor performance.

The Line Manager shall write to the employee giving him/her at least 5 working days notice of a formal meeting. The written notice shall include details of the alleged inadequate performance and of the right of the employee to be accompanied by a representative or friend. The College Personnel Manager should also attend in an advisory capacity.

At the formal meeting, the employee shall be reminded of the earlier informal discussion and of the programme intended to improve performance, and told as precisely as possible, of the complaints about performance. The employee shall be asked to give an explanation for the continuing unsatisfactory performance.

If the employee's explanation is not accepted, a written warning shall be given orally and confirmed in writing within 5 working days of the meeting. The written notice confirming the warning shall give details of the complaint against the employee, details of the improvement expected, details of the programme to aid improvement which may be the same as in 2.4 above, and the likely consequences of insufficient improvement after the second period of opportunity to improve has expired.

If the employee's improvement following the written warning and expiry of the second timescale set for improvement is insufficient, the Principal and Executive Director/Line Manager after consultation with the College Personnel Manager shall issue a final warning, giving details of the complaint and of the steps taken to aid improvement, and of the timescale(s) allowed for improvement, and informing the employee that failure to meet expected standards may lead to a further disciplinary action which may be dismissal. The letter conveying the written warning shall indicate the employee's right to appeal to the Principal & Executive Director/or Committee of the Corporation, and the procedure to be followed.

The Principal and Executive Director before deciding whether to dismiss shall consider with the College Personnel Manager whether alternative employment can be offered to the employee. (The alternative employment does not necessarily have to be equivalent employment, particularly in the case of an unsatisfactory promoted employee, who could be offered a post at his/her previous level).

If an offer of alternative employment can be made, the offer should be made in

writing, with an explanation as to why it is being made, and the consequences of refusing it. The employee should be given sufficient time to consider the offer and, if he/she wishes, discuss it with his/her representative or friend.

If an offer of alternative employment is made and is rejected by the employee, the Principal and Executive Director shall hold a final formal meeting with the employee to inform the employee that he/she is considering dismissal. The employee who may be accompanied by a friend or representative will have the opportunity to make comments in mitigation.

DISMISSAL

If the Principal and Executive Director decides to dismiss he/she shall notify the employee verbally and confirm the decision in writing. At the meeting the employee may be accompanied by a friend or representative. The notification will give details in accordance with paragraph 3.2.2 of the Disciplinary Code and Procedure.

The Personnel Manager who on behalf of the College will issue a letter of dismissal to the employee. The letter shall include:

- (a) The decision reached and the date and time from which the dismissal is effective.
- (b) The reason for dismissal.
- (c) Brief details of any relevant previous warnings which are not time expired.
- (d) Details of any notice to be given and holiday entitlement.
- (e) The employee's right of appeal.

APPEALS

An employee who wishes to appeal against the formal warning or decision to dismiss must either in person or through his representative inform in writing the Clerk to the Corporation not later than 10 working days after receipt of the letter of warning or of dismissal.

All appeals should be heard by the Principal & Executive Director/Committee of the Corporation at the earliest practical date and whenever possible before the last day of the employee's notice period. Where there is unavoidable delay and dismissal is the subject of appeal, pay will continue until the Appeal Hearing.

An [Appeal Procedure](#) is outlined in Operational Procedure 100/005, all appeals should be in accordance with the [Appeals Procedure](#).