



GUIDANCE NOTES: CAPABILITY/PERFORMANCE PROCEDURE

Index

1. Purpose of the Guidance Notes
2. Purpose of the Capability/Performance Procedure
3. Responsibilities of Managers and Employees
4. Modification of the Capability/Performance Procedure
5. Relationship with other Policies and Procedures
6. The Right to be Accompanied
7. Informal procedure
8. Investigations
9. Formal procedure
10. The Outcome and Notification
12. Right of Appeal
13. Recording hearings

Annex A – Authority to take Action

Annex B - Procedure to be followed at Capability/Performance Hearings

Annex C – Template Letters

Annex D – Performance Improvement Plan template

Date of this version: 13 June 2018

1. Purpose of Guidance Notes

- 1.1 The purpose of these Guidance Notes are to provide practical advice to managers who are authorised to take action under the University's Capability/Performance Procedure, and others who may be involved in investigations or appeals. They are not intended to repeat the Capability/Performance Procedure but to provide supplementary guidance and therefore should be read in conjunction with the Capability/Performance Procedure.
- 1.2 It is a requirement of the University's Capability/Performance Procedure that the Director of people Services or his/her designate be consulted at all formal stages of this Procedure. An HR Business Partner ("HRBP") or a member of the HR Advisor team will also be involved at all stages to support the Procedure and process. Managers should therefore seek advice from their HRBP/HRA at the earliest opportunity in every case.
- 1.3 Details of persons authorised to take action under this procedure are specified at annex A.

2. Purpose of the Capability/Performance Procedure

- 2.1 The Capability/Performance process should be viewed as a means by which employees are helped and encouraged to achieve and maintain the required standards of performance. Concerns over performance should be identified at the earliest opportunity and addressed with the employee to ensure that the employee is aware of the required standards of performance, and what they need to do to achieve this. Support and training should be given where appropriate.
- 2.2 The Capability/Performance Procedure helps ensure, for the benefit of both the University as an employer and its employees, that any issues are dealt with promptly, and any shortfalls in an employee's performance are dealt with effectively and in a reasonable, fair and consistent manner and in accordance with ACAS Guidance.
- 2.3 The procedure for staff working on a claims basis or via the Temporary Staff Bank is set out in the Terms and Conditions for Individuals Paid by Claim:
The procedure for Postgraduate Teaching Assistants is set out in an appendix to the Terms and Conditions for Postgraduate Students Paid in Monthly Instalments:
Performance issues for staff in their probation period should be managed under the procedure on Managing probationary Periods.
- 2.4 Where any part of this Procedure is being or has been applied, the University will not disclose that fact, or the details of the issues, to other members of staff or anyone outside of the University except where this is required under law, a duty of care or any other University procedure, or in confidence as part of an investigation, to facilitate a Capability/Performance hearing or appeal, or where a limited disclosure is considered to be justified by the circumstances; for example, it may be appropriate to share information with an academic lead where this would enable an academic to attain the required standard of performance.
- 2.5 The employee being investigated/subject to the Capability/Performance procedure should also be reminded of the confidential nature of Capability/Performance proceedings and the need to keep the matter confidential and not to discuss it with colleagues or third parties. This is to protect the employee concerned and to prevent any prejudice to any subsequent investigation and hearing(s). This does not prevent the employee from discussing the matter in confidence with their immediate family, trade union representative or legal adviser.

3. Responsibilities of Managers and Employees

3.1 Managers' Obligations

It is the responsibility of the University as the employer to ensure that employees are aware of the standards of performance required of them, that they have been provided with reasonable opportunity to fulfil those requirements and understand the consequences of not meeting them.

In particular, managers should ensure that employees:

- are aware of what is expected of them in their role and function;
- are given the necessary guidance and training to fulfil their role and to meet required standards of performance;
- receive regular feedback on their work and performance.

3.2 Employees' Obligations

Employees are expected to:

- work within allocated resources and University regulations to achieve all the requirements of their role to the required standard and within the required timescales;
- work to the best of their ability and participate in self development activities, and as agreed with their manager;
- attend work in accordance with their Conditions of Employment and make the best use of their time at work;
- fully engage in discussions about their role and performance and development, including the Performance and Development Review (PDR) process and the Capability/Performance Procedure;

4. Modification of the Capability/Performance Procedure

4.1 Whilst it is not possible to specify every circumstance where the Director of People Services or his/her designate may feel it appropriate to modify the Capability/Performance Procedure, circumstances where this would be likely to apply are:

4.1.1 Where the member of staff works in or is managed by employees of a third party organisation, including in cases of secondment, the Director of People Services or his/her designate may authorise managers employed by the third party organisation to take action under the Capability/Performance Procedure in conjunction with or in substitution for appropriate University managers.

4.1.2 Where reasonable adjustments may be required due to an employee's disability.

4.2 Where it is proposed that the Procedure be modified then the employee should be informed of the changes and the reasons for them. The employee should be given an opportunity to raise any concerns about the changes, however the final decision on procedure lies with the Director of People Services or his/her designate.

5 Relationship with other Policies and Procedures

5.1 Although it is generally envisaged that where a Capability/Performance procedure has been commenced, that the issue will be addressed under that procedure; there may be occasions where it is appropriate to transfer to an alternative procedure and cease (or in certain circumstances, suspend) the Capability/Performance procedure. Again it is not possible to specify every circumstance where this may be appropriate, but some examples are set out below:

5.1.1 Where during an investigation into a complaint or a meeting relating to poor performance it becomes apparent that the issue is related to conduct (for example attitude rather than performance) and should be addressed under the Disciplinary Procedure.

5.1.2 During a Capability/Performance procedure an employee may go on a period of sickness absence and be unable to participate in an investigation and/or Capability/Performance hearing. Subject to clause 6.2 of the Capability/Performance Procedure, and depending on the circumstances/length of absence it may be

appropriate to stop or suspend the Capability/Performance Procedure whilst an ill health/incapacity procedure is followed.

- 5.2 Investigations that have been undertaken in one procedure may where appropriate be used to inform another procedure, where that other procedure is a direct and immediate consequence of the investigation; for example, where an investigation into a performance related complaint shows evidence of poor conduct, the investigation report may be used to inform a Disciplinary procedure.

Where this clause 5.2 applies the appropriate procedure will immediately follow the investigation, it will not be used at some stage in the future to inform another and unrelated procedure. This does not preclude the University from carrying out any further investigation it considers reasonable in the circumstances, including further interviews with witnesses where appropriate.

- 5.3 If an employee raises a grievance during a Capability/Performance process then the Capability/Performance process may, if appropriate, be suspended however there is no legal requirement to do so. The following factors may be considered:

5.3.1 Is the grievance related to the Capability/Performance issues? If so, depending on the circumstances, it may be appropriate to deal with both cases concurrently under a single investigation and hearing.

5.3.2 Is the grievance so bound up with the Capability/Performance issues that they cannot sensibly be considered separately and/or is the grievance effectively the employee's defence to the Capability/Performance issues? If so no discussion of one can sensibly be carried without a rehearsal of the other, so in this case a separate grievance may be declined and both matters dealt with at the same time under the Capability/Performance process (for example as part of the employee's case or as mitigation).

5.3.3 Is the grievance wholly unrelated to the Capability/Performance allegations? If so you may run them concurrently with separate panels/hearings, or depending upon the circumstances, it may be safe to continue the Capability/Performance process and address the grievance at a later date.

5.3.4 Does the grievance cast doubt on the motive for the Capability/Performance proceedings, and/or allege the decision to commence the proceedings is discriminatory? If so it may be appropriate to suspend the Capability/Performance Procedure until the grievance has been heard.

6. Right to be accompanied

- 6.1 Workers have a statutory right to be accompanied by a work colleague, trade union representative or official employed by a trade union where a Capability/Performance meeting could result in:

- a formal warning
- other Capability/Performance action, including dismissal or sanction imposed as an alternative to dismissal
- the confirmation of a warning or Capability/Performance action (i.e. an appeal)

- 6.2.1 If the chosen companion is a trade union representative then they should be certified by their trade union as competent to accompany a worker. Generally, the names of trade union representatives who may accompany staff at formal hearings are notified to People Services by trade unions at the beginning of each year. Trade unions also notify the University of full-time officials who may accompany staff at formal hearings. If an employee advises People Services of their intention to be accompanied by a trade union representative who has not been previously notified to the University, the University may ask for confirmation that the representative has been certified by their trade union as competent to accompany a worker.

Where possible, this confirmation will be sought in advance of the hearing but exceptionally the Chair may ask to see evidence of this at the outset of the hearing.

- 6.3 There is no right to be accompanied by a friend or family member who is not a fellow worker, or to be accompanied by a legal representative or another professional support body. Where the employee has a disability, an alternative companion such as a friend or family member may be agreed by the Casework team as a reasonable adjustment.
- 6.4 The request to be accompanied should be reasonable, for example someone based at the same site/campus rather than a geographically remote location (e.g. it might be reasonable for someone based at St Luke's to request a companion from Streatham, however it may not be reasonable for them to request to be accompanied by someone based at Penryn if there is someone suitable and available at the same site or a closer location). It would not normally be reasonable for an employee to be accompanied by a companion whose presence would prejudice the hearing or who might have a conflict of interest.
- 6.5 The employee should tell the University who they have chosen as their companion in advance of the hearing. Where applicable the university will make arrangements for the companion to be made available if they need to be given time off work to attend the hearing.
- 6.6 If the companion acts in a manner which prevents the University from explaining its case or otherwise becomes disruptive then the Chair should inform the companion that if their conduct continues that the hearing will be postponed and reconvened at a later date with a different companion.

7. Informal procedure

- 7.1 Many potential Capability/Performance issues can be resolved by the line manager intervening at an early stage as part of their normal day-to-day management responsibilities: 'A quiet word is often all that is required to resolve an issue' (ACAS Code of Practice). In many instances, good management should prevent recourse to formal procedures. The induction and probation processes are particularly important for communicating standards of performance.
- 7.2 The immediate line manager should discuss concerns over performance with the employee as soon as possible. This is not a stage in the formal Capability/Performance Procedure. It is part of the standard day-to-day relationship between managers and the people they manage.
- 7.3 If a "quiet word" has failed to resolve the concerns, then the manager should arrange to meet with the employee for an 'informal discussion' as set out in paragraph 3 of the Capability/Performance Procedure. Before speaking to the employee, the manager should prepare for the meeting and consider the following points:
 - what are the facts, what is the evidence?
 - what are the standards of performance expected? Are these standards clear and have they been communicated to the employee?
 - are there any factors which may be relevant (e.g. health/disability, personal or domestic difficulties, lack of training or supervision and/or previous discussions)?
 - remember that the objective is to improve performance to the required standard.
- 7.4 It is anticipated that the meeting will take place between the line manager and the employee. The employee has no right to be accompanied at this stage; however, the employee can, if they wish, be accompanied by a fellow worker or trade union representative provided this does not unreasonably delay the meeting. A member of the HR team (HRBP or HR Advisor) may also be present if the manager believes this would help facilitate the discussion.

- 7.5 During the meeting the line manager should explain the purpose of the discussion and identify the concerns over performance with reference to the evidence. The line manager should give the employee an opportunity to comment on the evidence and provide an explanation. The line manager should also explore the reasons for the problem, including any circumstances affecting their performance which may be personal or work related.
- 7.6 Ideally, the manager should aim to reach an understanding with the employee on the following points, but where this is not possible, the manager should make the University's expectations clear, including:
- the standards of performance expected;
 - where the employee is currently falling short of these standards (i.e. the gap between current performance and the standards required);
 - the action required to close that gap – what the employee is going to do (e.g. targets for improvement) and what the manager is going to do (e.g., what support, training or other advice and guidance will be provided, who is responsible for organising and providing it and what are the timescales for these interventions);
 - the timescale for improvement and review - the employee should be given a reasonable and realistic timescale to complete the agreed targets, ideally with 'milestones' which can be reviewed at regular intervals to check that the employee is 'on track' to meet the targets;
 - the consequences of not achieving the required standard.
- 7.7 A contemporaneous note should be made of the meeting. To avoid misunderstanding, the manager should confirm the outcome of the discussion to the employee in writing (ie date, brief details of concerns discussed, agreed action and the consequences if their performance does not improve to the required standard within the timescale, ie application of the formal Capability/Performance Procedure) The employee will be asked to confirm their agreement to the manager's written notification. While it is preferable for the outcome to be agreed, if agreement is not possible, the employee's comments will be considered and noted.
- 7.8 After speaking to the employee, the manager should:
- continue to monitor the employee's performance over the agreed timescale;
 - arrange regular reviews to give feedback - managers must ensure that these reviews take place and that an appropriate record is maintained;
 - make sure they deliver on the action agreed (e.g. training, additional support);
 - if the employee's performance does improve to the standard required then make a point of telling them and encourage them to continue;
 - if the employee's performance does not improve to the standard required – i.e. if there is no improvement, or what improvement there has been still falls short of the standard required – then it will be necessary to speak to the employee again. The manager will need to have detailed records and evidence of the employee's performance and how it has (or has not) improved since the informal meeting/previous review;
 - take advice from People Services as to whether it is necessary to move forward to the formal Procedure or to continue to speak to the employee and review performance outside of the formal Procedure.
8. Investigations
- 8.1 It will not be necessary in every case of poor performance to carry out an investigation with one of the Universities Investigating officers (IO). In most instances it will be sufficient for the line manager to gather the appropriate evidence. However, an investigation may be appropriate if there are concerns over conduct as well as performance, or if the shortfall in performance is so serious that it could amount to gross negligence.

9. Formal Capability procedure

9.1 Where it is agreed that the matter should progress to the formal procedure, the employee's line manager should prepare a report which will be used at the hearing. The report should include the following information:

- background, including the employee's work history and current role
- the employee's role, including a summary of their duties and responsibilities
- details of the performance issues
- details of any support provided
- details of ongoing concerns
- any mitigating factors
- impact on business area and/or colleagues
- conclusion
- supporting documents, including information from the informal procedure, targets, notes of review meetings, and evidence etc.

9.2 The Casework Team will commission a Capability/Performance chair and make arrangements for the hearing, including arrangements for meeting rooms, relevant paperwork and for details to be sent to the employee in accordance with paragraph 6.1 of the Capability/Performance Procedure. See template letters at annex C.

9.3 Only those who have a role in the Capability/Performance process should attend. This may include:

- the person chairing the Capability/Performance hearing;
- the employee;
- the trade union representative or work colleague ('fellow worker') accompanying the employee, if any.
- the line manager who prepared the report;
- the HR Business Partner (HRBP) or Senior HRA advising the Chair;
- the note taker;
- witnesses called on behalf of the University;
- witnesses called on behalf of the employee.

9.4 A guide to the procedure to be followed at the Capability/Performance hearing is at Annex B.

9.5 During the hearing, the employee may request an adjournment, for example to consult with their companion or to review an item of evidence. Such requests should not be unreasonably refused. The Chair or HRBP may also request an adjournment for example to look into a query/new information that has arisen during the hearing, review a document provided by the employee and/or to check a point of law and/or procedure. Where a hearing is adjourned, everyone present should withdraw, with the exception of the HRBP whose role is to advise the Chair on the Capability/Performance procedure, process and points of law.

9.6 If during the course of the Capability/Performance hearing the employee raises a grievance the Chair should ask why the grievance is being raised at that time, and may request an adjournment to seek advice from the HRBP and/or the Casework Manager. Only in exceptional circumstances will it be appropriate to stop the hearing, for example:

- if the grievance relates to a conflict of interest that the chair or HRBP is alleged to have
- where bias is being alleged in the conduct of the Capability/Performance meeting.
- where there is a need for clarification of the evidence.

9.7 Once the evidence has been heard (see Annex B) the Chair will usually adjourn the hearing pending the outcome, and advise the employee that they will be notified of the decision in writing. In exceptional cases the Chair may adjourn the hearing to consider the decision and inform the employee of the decision the same day. This may be appropriate for example if the employee does not dispute the University's case or has admitted the poor performance.

10. The Outcome and Notification

10.1 Before reaching a decision the Chair should consider all of the evidence, including evidence from the hearing and written submissions (if any) from the employee and decide what action, if any, should be taken. In some circumstances it may be appropriate for the Chair to make further enquiry/investigation before deciding the outcome, e.g. to check or clarify something raised by the employee or their companion during the hearing.

10.2 In reaching its decision the Chair should consider the following:

- whether the employee was aware of and understood the expectations of them (i.e. the performance targets or standards)? What evidence supports this belief?
- whether the employee's performance is below the standards expected, i.e. that they have failed to meet all of the targets set within the agreed timescale? What evidence supports this belief?
- whether the employee has had reasonable opportunity to achieve these targets or standards, including access to advice, training, feedback etc.? What evidence supports this belief?
- whether the employee has presented any information or mitigating factors which should be taken into account? What weight should be placed upon these?
- what action, including any 'live' formal warnings previously issued under the Capability/Performance Procedure, has previously taken place in response to shortfalls in performance?
- other relevant circumstances including length of service, general work record, work experience or any other circumstances specific to the case.

10.7 First formal written warnings will normally remain current for 6 months and final written warnings will normally remain current for 12 months. The Panel may impose a longer time limit where there are circumstances to justify this e.g. if it is agreed a longer review period is necessary to enable the employee to achieve the required standards. If a longer period is imposed then the reasons for this must be explained in the letter to the employee informing them of the outcome of the hearing (see 10.8 below)

10.8 The Chair should inform the employee of the outcome of the hearing in accordance with paragraph 6.6 of the Capability/Performance Procedure, using the appropriate template letter in Annex C. The notes of the hearing (see paragraph 5.2 of the Procedure) will be sent to the employee on request. While it is preferable for the record of the hearing to be agreed, if agreement is not possible, the employee can add an addendum to the notes.

10.9 The Outcome letter should, where applicable, also set out the information at paragraph 6.7 of the Capability/Performance Procedure. Targets for improvement should be SMART, i.e.:

- Specific (i.e. be clear about what you want the employee to accomplish)
- Measurable (i.e. what metrics will be used to determine if the employee has met the target)
- Achievable (i.e. the targets must be attainable, and should motivate rather than discourage. Consider if milestones can be set to show incremental improvement)
- Relevant (reasonable, realistic and aligned to the required improvements)
- Time bound (i.e. the target date for improvement)

This will normally be managed by way of a Performance Improvement Plan (PIP) see Annex D.

The employee will be asked to confirm their agreement to PIP. While it is preferable for the PIP to be agreed, if agreement is not possible, the employee's comments will be considered and noted.

10.10 In setting the review period (i.e. the period during which performance against the PIP is to be monitored), consideration should be given to the following:

- How long will it reasonably take for the employee to achieve the required standards? This will depend on the nature of the work, the improvement required and whether any training is required (e.g. an administrator making errors in data processing could reasonably be expected to show improvement in a short period, whereas an academic who has not attained publication/research requirements will need a longer timeframe to achieve the targets)
- Whether any adjustments need to be made for a disability
- The employee's working pattern and any periods of absence

10.11 At the end of the review period the line manager should notify the employee of the outcome in accordance with paragraph 7 of the capability/Performance procedure.

11. Right of Appeal

11.1 The employee has the right to appeal any sanction following a Capability/Performance hearing (i.e. a warning or dismissal). The two week time limit for the employee to exercise the right of appeal (paragraph 9.6 of the Procedure) dates from the date of the outcome letter (paragraph 6.6), not the date when the notes of the hearing are sent.

11.2 Where an employee appeals against a sanction, the Casework Team will commission an appeal panel and make arrangements for the hearing, including arrangements for meeting rooms and relevant paperwork.

11.3 The appeal hearing will be conducted in accordance with ordinance 35

11.4 The appeal will normally comprise a review of the original decision. Other than in limited circumstances the appeal will not be a rehearing of the case. Where the appeal is on grounds that the hearing was flawed or incorrect process was followed, the Casework Manager will, following consultation with the Director of People Services or his/her designate, decide whether a full rehearing is appropriate.

11.5 Exceptionally, the appeal panel may consider that new evidence should be presented, for example where the employee could not reasonably have been aware of a new fact/evidence at the time of the original hearing, or if it is otherwise considered necessary in the interests of fairness, in which case arrangements may be made for new evidence to be presented and/or for witnesses to attend.

11.6 Once the appeal has been heard the Chair will usually adjourn the hearing pending the outcome, and advise the employee that they will be notified of the decision in writing. In some circumstances it may be appropriate for the panel to make further enquiry/investigation before deciding the outcome, e.g. to check or clarify something raised by the employee or their companion during the appeal hearing.

11.7 The appeal panel may:

- uphold the action taken; or
- withdraw the action taken; or
- reduce the level of action taken.

They cannot impose a 'higher' or more 'severe' penalty.

12. Recording Hearings

- 12.1 Other than in exceptional circumstances, the University does not agree to meetings being recorded. The employee and anyone accompanying them (including witnesses), should not make audio/visual recordings of any meetings or hearings conducted under this procedure.
- 12.2 Where it is subsequently found that an employee (or anyone accompanying them) has secretly recorded any meeting or hearing conducted under this procedure, this will constitute misconduct, and could result in separate disciplinary action.
- 12.3 At the start of Capability/Performance hearing or appeal hearing the IO or Chair should inform the employee that they must not record the meeting and ask them to confirm that they are not doing so.
- 12.3 The employee and/or their representative is permitted to make their own handwritten notes provided these are kept confidential.

Annex A

Authority to take action under the Capability/Performance Procedure

This section details who is authorised to:

- commission an investigation and appoint an Investigating Officer (if applicable)
 - take informal action
 - recommend that the performance issues be considered at a formal capability/performance hearing.
 - Chair a Capability/Performance hearing with authority to take action under the procedure, including the authority to dismiss
1. The HR Casework Manager (or his/her designate) will commission an investigation if this is deemed appropriate in the circumstances of the case, and appoint an Investigating Officer (“IO”) to conduct the investigation. The IO will, wherever practicable, have undertaken appropriate training.
 2. All line managers and supervisors/team leaders are authorised, as part of their day-to-day management responsibilities, to take the steps under paragraph 3 of the Capability/Performance Procedure (Informal action) to ensure that performance issues are dealt with promptly and appropriately without recourse to the formal procedure.
 3. All line managers and supervisors/team leaders can recommend that performance issues are considered at a formal capability/performance hearing.
 4. The following managers are authorised to Chair a Capability/Performance hearing with authority to take formal action under this procedure including the authority to dismiss:
 - Vice-Chancellor
 - Registrar and Secretary
 - Provost
 - Deputy Vice-Chancellors
 - Pro-Vice-Chancellors
 - Directors of Professional Services
 - Directors of College Operations
 - Other senior managers nominated by the Director of People Services (or his/her designate) – see paragraph 5 below.
 5. Delegated authority may be given to other named managers to Chair a Capability/Performance Hearing and to take defined levels of action under the formal Capability/Performance Procedure (following appropriate training) and with the agreement of the Director of People Services or his/her designate.
 6. Formal action under this procedure in respect of staff in the academic job families will be taken by academic managers.
 7. The manager chairing the Capability/Performance hearing will usually be from the same College/Service as the employee; however appeals will be heard by a panel comprising two senior managers who have had no previous involvement in the case. In the case of an appeal against dismissal, the panel will be drawn from members of the Senior Management Group from a different College/Service.
 8. Upon request, the HR Casework Manager will confirm that an Investigation Officer or a Chair of a Capability/Performance Hearing has been appropriately trained and authorised in accordance with paragraphs 1 and 5 above.

Annex B

Procedure to be followed at Capability/Performance Hearings

1. At the commencement of the hearing, the Chair should:
 - introduce those present and explain why they are there;
 - explain the purpose of the hearing
 - explain how the hearing will be conducted.
2. The employee should be given a reasonable opportunity to state their case and to answer the allegations that have been made. Generally, the capability/performance hearing will follow the following format:
 - (i) the Chair will invite the line manager (or in circumstances where an investigation is carried out, the investigating officer (“IO”)) to present their report;
 - (ii) the employee or their companion may ask questions of the relevant manager/IO;
 - (iii) the Chair and/or the HRBP may ask questions of the relevant manager/IO;
 - (iv) the relevant manager/IO will present any witnesses called on behalf of the University, one at a time, and may ask them to clarify part(s) of the report/relevant documents;
 - (v) the employee or their companion may ask questions of the witnesses;
 - (vi) the Chair and/or the HRBP may ask questions of the witnesses;
 - (vii) the Chair should check that employee or their companion has no further questions of each witness before asking the witness to leave;
 - (viii) the Chair should give the employee (or their companion if the employee wishes) the opportunity to present their case and any supporting evidence including any mitigating circumstances;
 - (ix) the Chair and/or the HRBP may ask questions of the employee (who must answer themselves – their companion is not permitted to answer questions on their behalf);
 - (x) the employee may call witnesses to support their case and ask questions of them;
 - (xi) the Chair and/or the HRBP may ask questions of the employee’s witnesses;
 - (xii) the Chair should give the relevant manager/IO the opportunity to sum up the University’s case;
 - (xiii) the Chair should give employee or their companion the opportunity to sum up the employees case.

Witnesses should be called only when required to give their evidence. Once they have given their evidence and answered any questions they should be released.

No new evidence should be introduced during summing-up.

Annex C

Template letters [to be inserted before publication]

1. Invitation to a stage 1 hearing
2. Invitation to a stage 2 hearing
3. Invitation to a stage 3 (final) hearing
4. Outcome letter (stages 1 & 2)
5. Outcome letter dismissal
6. Outcome letter – alternative to dismissal

Annex D

PERFORMANCE IMPROVEMENT PLAN (PIP)

The purpose of this PIP is to help and support you to achieve and maintain the required standards of performance. If you have any uncertainty about what is required of you, or any other questions or concerns about this PIP, you should speak to [whom] as soon as possible.

Name of Employee:		Job Title:	
College/Department:		Team/Discipline:	
Reviewing Manager:		HR Business Partner:	
Plan Start Date:		Proposed Plan End Date:	

Improvement Objectives and Targets <i>What, specifically must the employee do to improve their performance to meet expected standards?</i>	Expected Outcome/Measurement <i>How will you know when the expected standards of performance have been met?</i>	Additional Support Required? <i>Identify any additional development or support the employee may need to achieve the expected standards?</i>
<Enter improvement objective/target 1>	<Detail expected outcome/measurement of success for improvement objective 1>	<Detail any additional support required to succeed in achieving improvement objective 1>
<Enter improvement objective/target 2>	<Detail expected outcome/measurement of success for improvement objective 2>	<Detail any additional support required to succeed in achieving improvement objective 2>
<Enter improvement objective/target 3>	<Detail expected outcome/measurement of success for improvement objective 3>	<Detail any additional support required to succeed in achieving improvement objective 3>
<Enter improvement objective/target 4>	<Detail expected outcome/measurement of success for improvement objective 4>	<Detail any additional support required to succeed in achieving improvement objective 4>
<Enter improvement objective/target 5>	<Detail expected outcome/measurement of success for improvement objective 5>	<Detail any additional support required to succeed in achieving improvement objective 5>

During the period of the PIP your performance will be monitored to assess if appropriate improvement is being made:

	Review Date	Met/Partially Met/Not Met	Comments
1.			
2.			
3.			
4.			

If the expected outcomes are not achieved and/or improvements not attained by the end of the PIP then this could result in further action being taken under the University's Capability/Performance Procedure:

<http://www.exeter.ac.uk/staff/employment/procedures/capabilityperformanceprocedure/#d.en.102369>

Further Comments of Manager::

Comments of Employee:

Signed by Manager: **Date:**

Signed by Employee: **Date:**