

|  |  |
| --- | --- |
| Owner: Version number:Date of approval:Approved by:Date of last review:Due for review: | Human Resources1.0May 2016ULTMay 2016March 2024 |

**Title: ￼** **PERFORMANCE FRAMEWORK (Support and Development)**

**Keywords: ￼** Performance, Development, Improvement Warnings

**Description: ￼**  Frameworkto manage performance and development

**Audience: ￼** Staff and Managers

1. **PURPOSE**

1.1 The University is committed to good management practice, including the development and engagement of staff. The organisation recognises that staff are its key resource, and the success of the University depends upon effective individual performance and contribution to achieve the highest quality outputs. The vast majority of staff meet or exceed required standards of performance, however situations can and do arise where performance falls below what is expected. This procedure is designed to support staff and managers in dealing with situations where an improvement in performance is required.

1.2 The Performance Framework (Support and Development) aims to:

* help and encourage all employees achieve and maintain the required standards of job-related performance encompassing knowledge, skills and behaviours;
* transparently and proactively address situations where an improvement in performance is required;
* focus on informal resolution;
* identify barriers to effective performance and resolve those barriers through appropriate interventions such as supervision, training, development, counselling and support;
* provide a fair and consistent framework for managing staff who are not achieving the required standards of performance; and
* provide a clear procedure for the termination of employment in cases when it does not prove possible to secure a satisfactory and acceptable level of improvement in performance or where a transfer to an alternative post is not possible or appropriate.

1.3 Matters relating to incapability due to ill health or disability shall be dealt with under the provisions of the [Absence Management Policy](https://intranetsp.bournemouth.ac.uk/policy/Absence%20Management%20Policy%20March%2023.docx?Web=1). Matters relating to misconduct shall be dealt with via the [Disciplinary Procedure.](http://intranetsp.bournemouth.ac.uk/policy/Disciplinary%20Procedure.docx)  In some circumstances, Human Resources (HR) may need to determine the most appropriate procedure.

1.4 If a member of staff has disclosed, or does disclose, a disability (as defined by the Equality Act 2010) during the course of the application of this policy , then the manager should make arrangements for an assessment of the impact of the disability on the person’s role to be undertaken, and the views of the individual and, if relevant, input from an appropriate health professional, will be taken into account so that should any reasonable adjustments be found to be required, these can be put in place. HR should be contacted to provide support and guidance in such circumstances.

1.5 If personal or domestic problems are revealed or suspected as being a contributory factor in performance issues, the manager should consult HR for advice and guidance in respect of the appropriate application of this policy. This may in certain circumstances include pausing the application of the policy for a period of time whilst this contributory factor is explored. In any case, the manager shall remind the staff member of the University’s sources of help and support:

* [HR](http://intranetsp.bournemouth.ac.uk/documentsrep/HR-OD_OrgChart.pdf)
* [Health and Safety including the Occupational Health and Wellbeing Adviser](https://staffintranet.bournemouth.ac.uk/aboutbu/professionalservices/humanresources/hrcontacts/)
* [Trade union representatives](https://staffintranet.bournemouth.ac.uk/workingatbu/staffunions/)
* [Education Support Partnership](https://www.educationsupportpartnership.org.uk/)
* [Dignity & Wellbeing Advisers](https://staffintranet.bournemouth.ac.uk/aboutbu/professionalservices/humanresources/dignityandrespectharassment/servicesandsupport/dignitywellbeingadviser/)
* [The Employee Assistance Programme](https://staffintranet.bournemouth.ac.uk/workingatbu/healthsafetywellbeing/occupationalhealthwellbeing/employeeassistanceprogramme/)
* [The University Chaplaincy](https://intranetsp.bournemouth.ac.uk/policy/Chaplaincy.docx)

1.6 This framework aims to ensure good practice by applying the standards set out in the relevant sections of the [ACAS Code of Practice on Disciplinary and Grievance Procedures.](https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures) Principles of natural justice (as set out in section 3 “Principles”) will be applied in its application.

**2. SCOPE**

2.1 This framework applies to all staff of the University except 'holders of senior posts' as defined in the [Articles of Government,](https://intranetsp.bournemouth.ac.uk/Committees/Governance%20Documents/Articles%20of%20Government%20Revised%202016.pdf) i.e., members of the University Executive Team and the Clerk to the Board. Such “holders of senior posts” are subject to a similar procedure, according with the principles as set out in this procedure. “Staff” in this context refers to anyone receiving a salary or wages directly from the University (both established and hourly paid posts).

2.2 The framework does not apply to termination of employment:

* arising from the ending of a fixed term contract;
* during or at the end of a period of probationary service (refer to section 6.2);
* by reason of redundancy;
* by reason of retirement;
	+ - for reasons of misconduct;
* arising from a disability or chronic health problem.

2.3 HR may be consulted for advice as to the appropriate procedure to be applied in cases relating to:

* employees not evidencing or retaining the [right to work in the UK,](http://intranetsp.bournemouth.ac.uk/policy/Immigration%20Regulations%20%28Guidance%29.docx)
* employees not obtaining or retaining the required clearance by the [Disclosure & Barring Service,](https://www.gov.uk/government/organisations/disclosure-and-barring-service)
* cases where there are health concerns; or,
* cases involving misconduct.

**3. PRINCIPLES**

1. The University is committed to both the elimination of unlawful discrimination and positive promotion and celebration of equality and diversity throughout all aspects of its work. The University will not tolerate unfair or unlawful treatment on the grounds of a protected characteristic as defined in the Equality Act 2010 in respect of the application of this procedure. All members of staff and other workers are responsible for ensuring that their own conduct is in accordance with the [University’s Dignity, Diversity & Equality Policy](http://intranetsp.bournemouth.ac.uk/policy/dignity-diversity-and-equality-policy.doc).
2. Staff requiring assistance in connection with this framework (e.g., due to reasons relating to disability or the need for translation from English) should contact HR. The University is committed to making reasonable adjustments for staff who consider they have a disability.
3. Formal Warnings for unsatisfactory performance will not be issued unless, following a performance review hearing, there is sufficient evidence to warrant such action.
4. The principles set out under this framework will apply irrespective of the origins of the alleged unsatisfactory performance. In circumstances such that a separate procedure has been invoked (e.g. [Student Complaints Policy and Procedure](https://staffintranet.bournemouth.ac.uk/aboutbu/policiesprocedures/academicregulationspoliciesprocedures/)s and [Misconduct in Academic Research Procedure](https://intranetsp.bournemouth.ac.uk/ARPParchive/6m-misconduct-in-academic-research-v5.0.docx)) the findings from the original procedure will, if applicable, feed into this framework. In instances when it is found necessary to consider the matter under the Performance Framework (Support and Development), the member of staff will be informed without undue delay.
5. Each case will be considered on its own merits in order that any decision should be reasonable in all the circumstances.
6. Any party may seek advice and guidance from HR at any stage of this framework.
7. At each of the formal stages of this framework, a HR representative must be involved to give advice and guidance, to accompany those authorised to conduct performance review hearings and to approve the form and wording of letters relating to performance matters and actions/decisions.
8. At each stage of the formal stages of this framework, individuals have the right if they wish, to be accompanied by a fellow member of staff or by an appropriate representative of an independent trade union (recognised or non-recognised) as defined in the Employment Relations Act 1999 or an official employed by a trade union. A trade union representative who is not an employed official must have been reasonably certified by their union as being competent to accompany a worker. Individuals may not be accompanied by anyone acting as a legal representative at any stage of the procedure.
9. Decisions to issue a formal performance warning will be independent and will not be made by an employee’s direct line manager. Appeal decisions will be made by a manager having no involvement with the initial decision.

3.10 Managers are responsible for identifying and promptly addressing any concerns in performance, discussing the matter with the individual member of staff and assisting them to improve. These issues, subject to 3.12, will be dealt with informally in the first instance, only escalating to the formal stages when the required improvement in performance is not seen.

3.11 At each point in the framework, a full explanation of the shortfall in performance will be provided and the member of staff will have opportunity to state his/her case before any action is taken.

3.12 In most cases a member of staff shall not be dismissed because of failure to perform to the required standards of job performance unless the opportunity to improve and warnings have been given. However, should a member of staff commit a single significant error, or a number of substantial errors which are attributable to gross incompetence or negligence, and the actual or potential consequences of the error are, or could be, extremely serious, warnings may not be appropriate, and the dismissal stage may be invoked. In this situation, the earlier stages of the framework may be omitted.

3.13 Nothing in this framework removes the right of a member of staff to invoke the relevant [Grievance Procedure](http://intranetsp.bournemouth.ac.uk/policy/Grievance%20Procedure.docx) in appropriate circumstances. Should a member of staff believe that they have been treated unfairly or that problems with work outside of their contract have been inadequately dealt with, they may wish to raise a complaint under the Grievance Procedure.

3.14 The University will provide appropriate development and interventions such as supervision, training, counselling and support for employees to proactively address situations where an improvement in performance is required.

3.15 The University will provide development for managers to deal with performance issues in accordance with the Performance Framework (Support and Development).

3.16 Any party may seek advice and guidance from HR at any stage of this framework.

3.17 Individuals have the right of appeal against any formal action taken at any stage of the framework.

3.18 Apart from necessary and legitimate legal and statutory disclosures required as part of the normal functioning of the University, all proceedings and associated documentation will be kept confidential as far as practicable beyond the conclusion of the formal stages.

**4.** **LINKS TO OTHER BU DOCUMENTS**

 [Absence Management Policy](https://intranetsp.bournemouth.ac.uk/policy/Absence%20Management%20Policy%20March%2023.docx?Web=1)

 [Articles of Government](https://intranetsp.bournemouth.ac.uk/Committees/Governance%20Documents/Articles%20of%20Government%20Revised%202016.pdf)

 [Dignity and Respect (Harassment) Policy and Procedures](http://intranetsp.bournemouth.ac.uk/policy/Dignity%20and%20Respect%20Policy.docx)

[Disciplinary Procedure](http://intranetsp.bournemouth.ac.uk/policy/Disciplinary%20Procedure.docx)

[Employee Assistance Programme](https://staffintranet.bournemouth.ac.uk/workingatbu/healthsafetywellbeing/occupationalhealthwellbeing/employeeassistanceprogramme/)

[Flexible Working](http://intranetsp.bournemouth.ac.uk/policy/flexible-working.docx)

[Grievance Procedure](http://intranetsp.bournemouth.ac.uk/policy/Grievance%20Procedure.docx)

 [Investigation Procedure](http://intranetsp.bournemouth.ac.uk/policy/Investigation%20Procedure.docx)

 [Misconduct in Academic Research Procedure](https://intranetsp.bournemouth.ac.uk/ARPParchive/6m-misconduct-in-academic-research-v5.0.docx)

[Staff Development Policy](http://intranetsp.bournemouth.ac.uk/policy/Staff%20Development%20Policy.pdf)

 [Student Complaints Policy and Procedure](https://staffintranet.bournemouth.ac.uk/aboutbu/policiesprocedures/academicregulationspoliciesprocedures/)s

 [Workplace mediation](http://intranetsp.bournemouth.ac.uk/policy/Workplace%20Mediation.docx)

**5. SPECIAL CASES**

* 1. The Performance Framework (Support and Development) will not normally be invoked against a representative of a recognised trade union until, with the person’s permission; the circumstances of the case have been discussed with an official employed by the union. If permission is withheld, an official employed by the union will be informed, but the details of the case will not be discussed.

**6. GENERAL PROVISIONS**

**6.1 Setting Performance Standards**

6.1.1 Members of staff have a contractual responsibility to achieve a satisfactory standard of performance at work and will be supported and encouraged to reach that level. Managers should set realistic and achievable standards consistent with the employment contract, job description and, as applicable, the University’s academic Principles and Practice for Balanced Workloads. These should ensure that individuals understand what is expected in terms of quality and quantity of work and the time and costs associated with expected outputs in accordance with the job description and main responsibilities. The manager should promptly discuss any shortfalls in performance with the member of staff and seek to identify the causes, exploring whether these might be inadequate development, supervision or guidance and when appropriate, measures should be taken to provide additional support.

**6.2 ￼Probation**

6.2.1 The Performance Framework (Support and Development) does not apply to probationers. Should it become clear, that despite the necessary support and guidance having been provided, the individual is not meeting the required job standards, prompt action as set out in the [Probation Procedure](https://staffintranet.bournemouth.ac.uk/workingatbu/newtobu/bubasics-inductionguide/yourinductionandprobation/#probation) should be taken in conjunction with HR to address the situation.

**6.3 ￼Appraisal**

6.3.1 The University’s Performance Framework is underpinned by a Performance Appraisal Scheme for staff and this is facilitated by addressing continuing Personal and Professional Development Planning. These are designed as business-focused, individually-centered tools to support the achievements and development of staff, unambiguously aligned in support of the University’s strategic aspirations. All members of staff should be given appropriate targets and support.

**6.4 ￼University Policies**

6.4.1 Full consideration must be given to invoking other University policies or support services where appropriate, such as the [Absence Management Policy](https://intranetsp.bournemouth.ac.uk/policy/Absence%20Management%20Policy%20March%2023.docx?Web=1), Occupational Health, [staff wellbeing](https://staffintranet.bournemouth.ac.uk/workingatbu/healthsafetywellbeing/occupationalhealthwellbeing/), [stress management](https://staffintranet.bournemouth.ac.uk/workingatbu/healthsafetywellbeing/occupationalhealthwellbeing/stress/) and the [Employee Assistance Programme](https://staffintranet.bournemouth.ac.uk/workingatbu/healthsafetywellbeing/occupationalhealthwellbeing/employeeassistanceprogramme/).

**7. INFORMAL PERFORMANCE PROCEDURE**

7.1 Where concerns about a staff member’s competence or performance occur it is important at the outset that the manager seeks to raise those issues directly. This should be done as quickly as is practicable and without unreasonable delay.

7.2 As per 3.10, in many circumstances it will not be appropriate to proceed immediately to the formal stages and the manager will make this assessment. In circumstances where minor improvement in performance is required, this will usually best be dealt with informally by provision of interventions such as advice, coaching, mediation and support.

7.3 Informal management action includes; bringing concerns to the attention of the member of staff, exploring causes, identifying responsibilities, implementing appropriate supportive and developmental interventions and agreeing actions to be taken. Managers should discuss problems with individuals with the objective of encouraging and helping them to improve. It is important that the member of staff understands what needs to be done, how performance will be reviewed and over what period. Individuals should also be made aware of what action may be taken if they fail to improve their performance. Informal warnings are not part of the formal stages, and the member of staff should be informed of this.

7.4 In keeping with the informal approach, HR will not normally be present at informal meetings and the employee will not normally be accompanied by a trade union representative.

7.5 Under the informal procedure the manager will: -

* help and encourage employees achieve and maintain the required standards of job performance;
* advise the member of staff verbally and in writing the nature of the perceived problem(s) with a full explanation of the shortfall in performance being provided;
* explain why the expected standards of performance do not appear to have been met, and identify occasions when there has been a shortfall and the impact;
* endeavour to identify barriers to effective performance and resolve those barriers where practicable and possible, taking account of all the factors which might have had an effect on the individual’s performance, including volume of work, available resources, training, personal matters, ill health and changes in management or working practices;
* seek the view and perception of the member of staff on all the matters, and any additional or alternative information provided in good faith;
* seek to establish agreed actions and timescale to address the required improvement in performance, which may involve a number of interventions, such as additional supervisory support, further development, additional resources, organisational changes, workload changes, or where a personal issue is identified, this may include counselling and/or input from an appropriate health professional;
* ensure that a clear and documented process of review and feedback is followed; and
* make the individual aware that the formal stages may be implemented if the required improvement in performance is not achieved.

7.6 With reference to 6.1.1, the process of review and feedback should set targets and dates for meeting objectives that a competent holder of the post could be reasonably expected to meet in the given timeframe. Where possible targets and timescales should be agreed between all parties. In most instances, targets of between one- and three-months duration will be the norm, but the nature of work patterns and job requirements and complexity may mean that shorter or longer targets may need to be set. The consequences of not meeting the required standards within these timescales should be outlined. The process of review and feedback will also include details of when monitoring meetings will be held and how standards will be assessed. It is recommended that the Performance Action Plan (see [appendix 1)](http://intranetsp.bournemouth.ac.uk/policy/Appendix%201%20Performance%20Action%20Plan.docx) be used and a copy retained by both the manager and member of staff. Documents should be retained in accordance with the University Data Protection Policy. Subject to satisfactory performance the Performance Action Plan will be disregarded for performance improvement purposes after a period of 6 months.

7.7 It is expected that in most cases, agreement on the objectives, the process of review and feedback will be reached, however where this is not the case, the manager may impose the actions, after which the member of staff may then have recourse under the [Grievance Procedure](http://intranetsp.bournemouth.ac.uk/policy/Grievance%20Procedure.docx) if they consider this to be unacceptable. The Performance Framework (Support and Development) will be paused whilst the grievance is addressed.

7.8 If the necessary improvement in performance is achieved within the set timescale, no further action will be necessary and confirmation of this will be provided in writing to the member of staff by the manager.

7.9 In the event that performance does not improve to the required standard, the manager should initiate the formal stages as set out below, in consultation with HR.

**8. FORMAL PERFORMANCE PROCEDURE**

8.1 The focus of the formal stage is to give a member of staff support to help them achieve the required improvement in performance.

8.2 If performance does not improve to the required standard, the manager will refer the case to a formal performance review hearing. The hearing will consider the management case which will document:

* the expected standards of performance and requirements of the post including an up-to-date job description;
* the evidence of the shortfall in performance;
* details of support put in place to assist the member of staff in improving their performance;
* the informal process of review and feedback including details of the targets and dates for meeting objectives set (e.g., Performance Action Plan);
* any mitigating circumstances;
* if performance has been influenced by illness or disability and whether any reasonable adjustments have been made; and
* any other relevant disclosure made by the member of staff to the manager

The hearing will also consider any verbal and/or written representations made by the member of staff.

**9. PEFORMANCE REVIEW HEARINGS**

9.1 The management case with the supporting evidence will be submitted to the Chair of the hearing and be made available to the member of staff at least 7 working days in advance of the hearing. The hearing will be held without unreasonable delay whilst allowing the individual reasonable time to prepare their case. Further details of this notification and the procedural details of the hearing are included in [appendix 2.](http://intranetsp.bournemouth.ac.uk/policy/Appendix%202%20-%20Performance%20review%20hearings;%20procedural%20details.docx)

9.2 Should the individual or his/her representative wish to provide a written statement together with any supporting documentation to the hearing, then this should be submitted at least 3 working days before the date of the hearing, at which time the information will be exchanged.

9.3 Witnesses may be asked to attend any of the formal hearings by the member of staff or the manager so that their evidence can be considered prior to the decision being made.

9.4 The individual, and their representative, will be informed of the decision following the hearing and the reasons for the decision at the earliest opportunity. In exceptional circumstances where it has not been possible to reach a decision following the hearing, an indication will be given within one working day of the likely timescale for a decision to be reached and reason for delay. The decision will be confirmed in writing to the individual, normally within three working days after the decision has been made, together with the name of the person to whom any appeal should be lodged.

9.5 Notwithstanding the timescales indicated above, the University may accede to a request made by the member of staff to conduct the performance review hearing within a longer or shorter timescale of the original hearing date.

9.6 If an individual is unable to attend a performance review hearing, the University may seek medical advice, and shall apply reasonable adjustments, as appropriate to the circumstances.

9.7 Should a member of staff fail to attend a performance review hearing, the University will consider the reasons for non-attendance, taking action appropriate to the circumstances to reschedule the hearing. If an individual is persistently unwilling to attend a hearing, the University may deem it necessary to make a decision based on the evidence available in the absence of the individual.

9.8 If an individual’s chosen companion cannot attend a hearing on a proposed date, s/he can propose a reasonable alternative time within a period of 5 working days after the original date.

**10. POSSIBLE OUTCOMES FOLLOWING A PERFORMANCE REVIEW HEARING AND AUTHORITY LEVELS**

**10.1** **No formal action taken; case referred back to the informal stage.**

**10.2 Stage 1 - First Written Warning**

10.2.1 This represents the first stage in the formal procedure.

10.2.2 After conducting a hearing and considering the evidence and representations made, a First Written Warning for unsatisfactory performance may be given to the member of staff by the relevant University Leadership Team member.

10.2.3 In cases relating to the performance of an Executive Dean or Director/Head of Professional Service, a First Written Warning for unsatisfactory performance may be issued by a member of the University Executive Team.

10.2.4 A First Written Warning will give details of the performance that has not met the required standards, the improvement required and the timescale in which it is required. The improvement required will be specific and within the reasonable control of the member of staff. The timescale will normally be between one- and three-months duration, but the nature of work patterns and job requirements and complexity may mean that a shorter or longer timescale may need to be set. It may also detail recommendations for changes to working practices, working arrangements and patterns. Should any additional support provisions (e.g., supervision, training, development and counselling) be found to be necessary, the warning will give details of these. It will also warn that further formal action will be considered if there is no satisfactory improvement and advise of the right of appeal.

10.2.5 A copy of the First Written Warning will be placed on the member of staff's personal file held in HR but will be removed from the personal file and disregarded for performance improvement purposes after a period of 6 months, subject to satisfactory performance within that period.

**10.3 Stage 2 - Final Written Warning**

10.3.1 This represents the second stage in the formal procedure.

10.3.2 If there is still a failure to improve and performance remains unsatisfactory, or if the shortfall in performance is sufficiently serious to warrant omitting Stage 1 of the formal procedure but not to justify dismissal, a Final Written Warning will normally be given to the member of staff. If additional support provisions were identified at an earlier stage in the procedure, the hearing will consider whether this has been implemented before a decision to issue a Final Written Warning is taken.

10.3.3 The following post-holders have the authority to issue a Final Written Warning; members of the University Executive Team and members of the University Leadership Team. For academic staff, the hearing will be chaired by an academic member of the University Executive Team or University Leadership Team.

10.3.4 A Final Written Warning will give details of the performance that has not met expected standards, the improvement required and the timescale in which it is required. The improvement required will be specific and within the reasonable control of the member of staff. The timescale will normally be between one- and three-months duration, but the nature of work patterns and job requirements and complexity may mean that a shorter or longer timescale may need to be set. The warning may also detail recommendations for changes to working practices, working arrangements and patterns. Should any additional support provisions (e.g., supervision, training, development and counselling) be found to be necessary, the warning will give details of these. It will also warn that further formal action will be considered if there is no satisfactory improvement and advise of the right of appeal.

10.3.5 A copy of this Final Written Warning will be placed on the member of staff's personal file held in HR. Final Written Warnings will be removed from the personal file and disregarded for performance improvement purposes after a period of 12 months, subject to satisfactory performance within that period.

**10.4 Stage 3 – Dismissal**

10.4.1 This represents the final stage in the formal procedure and is normally preceded by a Final Written Warning.

10.4.2 If, following a Final Written Warning, an individual’s performance is still unsatisfactory and fails to reach the required standards, dismissal is the likely outcome. If additional support provisions were identified at an earlier stage in the procedure, the hearing will consider whether this has been implemented before the decision to dismiss is taken. Post-holders with authority to dismiss are; members of the University Executive Team. For academic staff, the hearing will be chaired by an academic member of the University Executive Team.

10.4.3 Except in cases of gross incapability, dismissal will normally be with notice or with pay in lieu of notice. The member of staff will be provided with written reasons for dismissal, the date on which employment will terminate and details of the right of appeal.

## **11. ALTERNATIVE PENALTIES**

11.1 Following consultation with HR, the manager responsible for taking formal action under Stage 1 and 2 of the formal Performance Framework (Support and Development) may impose reasonable additional or alternative sanctions including, for example, transfer to a different post/location at the same salary and grade. This will be confirmed in writing by the University and the member of staff will be asked to confirm whether or not s/he accepts the additional/alternative sanction. They may also require a member of staff to undertake relevant development or other measures in order to improve performance where appropriate.

11.2 As an alternative to dismissal, the member of the University Executive Team (UET) who is responsible for taking formal action may decide to issue a Final Written Warning and to demote the individual to a lower graded role and reduce his/her salary accordingly. This will be confirmed in writing by the University and the member of staff will be asked to confirm whether or not s/he accepts the alternative penalty.

11.3 Whether to take any of the above steps is in the absolute discretion of the individual making the decision under the Performance Framework (Support and Development) or dismissal decision, depending on his/her view of all the circumstances of the case.

**12. RIGHT OF APPEAL**

12.1 Members of staff against whom formal action under Section 8 of the Performance Framework (Support and Development) has been taken, may appeal in writing within 7 working days of receiving written notification of the decision.

12.2 In initiating an appeal, it is insufficient for the individual to object in general terms that formal action has been taken, but must specify the reasons e.g., stating why the individual believes the process or decision is flawed or that there is new evidence, or the penalty was unduly severe or inconsistent.

12.3 The hearing will consider the employee’s case for appeal and will not constitute a re-hearing, unless, by exception, there are grounds to warrant this.

12.4 An appeal hearing will be convened to consider the employee’s case, in accordance with the provisions set out at [appendix 3.](http://intranetsp.bournemouth.ac.uk/policy/Appendix%203%20-%20Appeal%20Hearings%20Performance%20Framework;%20procedural%20details.docx)

12.5 If an individual is unable to attend an appeal hearing, the University may seek medical advice, and shall apply reasonable adjustments, as appropriate to the circumstances.

12.6 The University will avoid as far as is reasonably practicable holding a hearing in the absence of the member of staff concerned and consider the reasons for non-attendance. If an individual is persistently unwilling to attend a hearing without good cause, the University may deem it appropriate to make a decision based on the evidence available in the absence of the individual.

12.7 If an individual’s companion cannot attend a hearing on a proposed date, s/he can propose a reasonable alternative date within a period of 5 working days after the original date.

12.8 A sanction may not be increased at appeal.

12.9 The decision at appeal will be final, irrespective of the level of the original sanction.

12.10 In the event that the Appeal outcome is that an employee is reinstated, continuous service will be maintained.

12.11 The appeal will be considered impartially by a person not involved with the original hearing, as set out below.

**13. AUTHORITY LEVELS; APPEALS**

**13.1 Appeal against First Written Warnings**

13.1.1 An appeal against a First Written Warning given by a member of the University Leadership Team shall be considered by a member of the University Executive Team other than the Vice-Chancellor. Where a First Written Warning has been given by a member of the University Executive Team, the appeal will be considered by the Vice-Chancellor.

13.1.2 An appeal against a First Written Warning given by the Vice-Chancellor shall be considered by a Board member other than the Vice-Chancellor.

**13.2 Appeal against Final Written Warnings**

13.2.1 An appeal against a Final Written Warning given by a member of the University Leadership Team shall be considered by a member of the University Executive Team.

13.2.2 An appeal against a Final Written Warning given by a member of the University Executive Team other than the Vice-Chancellor shall be considered by a Board member other than the Vice-Chancellor.

**13.3 Appeal against Dismissal (including Summary Dismissal)**

13.3.1 Any member of staff who has been notified of dismissal may appeal in writing via the Clerk to the University Board. The appeal will normally be considered by a panel consisting of three members of the University Board.

**Appendices**

1. [Performance Action Plan](http://intranetsp.bournemouth.ac.uk/policy/Appendix%201%20Performance%20Action%20Plan.docx)
2. [Performance review hearings; procedural details](http://intranetsp.bournemouth.ac.uk/policy/Appendix%202%20-%20Performance%20review%20hearings;%20procedural%20details.docx)
3. [Appeal hearings; procedural details](http://intranetsp.bournemouth.ac.uk/policy/Appendix%203%20-%20Appeal%20Hearings%20Performance%20Framework;%20procedural%20details.docx)
4. [Flow diagram; overview of Performance Framework (Support and Development)](http://intranetsp.bournemouth.ac.uk/policy/Appendix%204%20-%20Flow%20diagram;%20overview%20of%20Performance%20Framework.docx)
5. [Equality assessment](http://intranetsp.bournemouth.ac.uk/policy/Performance%20Framework%20Equality%20Impact%20Assessment.docx)