Joint memorandum of understanding on performance management

The University of Birmingham and the Birmingham branch of the University and College Union (BUCU) note that:

1. It is in the best interests of the University and its staff as a whole that duties are carried out by members of staff to a high standard. The Strategic Framework sets a challenge for the University “to take its place as a leading global university” which “will require a step change in our performance”.

2. In the sharply competitive environment which characterises the UK and global Higher Education sector, a supportive performance dialogue can enable the University and individual members of staff to achieve their aspirations. This dialogue may be held informally as and when appropriate. It is formalised in the Staff Development Review Scheme (SDR) - which it is proposed will be replaced by the Performance and Development Review (PDR) Scheme, about which proposals are being considered under the auspices of the JNCC with a view to reaching agreement. SDR (or PDR) applies to all staff and is intended to provide a supportive mechanism which seeks to develop all staff and enhance their performance (see https://intranet.birmingham.ac.uk/hr/employment/pdr/index.aspx).

3. The success of the University depends on the performance of its staff, the large majority of whom perform well and work hard to achieve the University’s ambitions – which are often their own ambitions for themselves.

4. In support of SDR (and PDR), in order that high standards of performance are achieved, managers and staff are encouraged to take advantage of the following resources, as appropriate, including:

- Strategic Framework ‘Shaping our future: Birmingham 2015’ (see http://www.birmingham.ac.uk/staff/birmingham/about-us/2015.aspx);
- Post further particulars and information about the University;
- Job definition, using the relevant job family framework, generic role descriptions, promotion criteria etc (see https://intranet.birmingham.ac.uk/hr/benefits/progression/grading/index.aspx);
- Induction (see https://intranet.birmingham.ac.uk/hr/starters/index.aspx);
- Probation (see https://intranet.birmingham.ac.uk/hr/employment/probation.aspx);
- The Birmingham Academic (see https://intranet.birmingham.ac.uk/hr/development/academic/index.aspx) and the Birmingham Professional (see https://intranet.birmingham.ac.uk/hr/development/professional/index.aspx);
- Development programmes and support (see https://intranet.birmingham.ac.uk/hr/development/index.aspx);
- Support for teaching (see https://intranet.birmingham.ac.uk/as/claddivision/index.aspx);
- Support for research (see https://intranet.birmingham.ac.uk/collaboration/research-support/index.aspx);
- Harassment and Bullying policy (see https://intranet.birmingham.ac.uk/hr/documents/public/harassment-bullying.pdf)

Many more mechanisms to support performance are provided locally within Schools and Colleges.

5 Occasionally, individual members of staff may find their performance falls short of their own expectations, or those of the University. In such circumstances, it is in the interests of all concerned that any obstacles to high performance are explored and solutions found to enable the individual to enhance his/her performance to the required standards; and that support is provided by colleagues to help the individual to achieve this improvement. In most cases, this will be managed by normal day to day discussions, via the SDR (or PDR) process and using the mechanisms set out in paragraph 4 above.

6 Section 14 of the University Statutes, paragraph 9, sets out the grounds for disciplinary action, including “failure, refusal or neglect to perform some or all of the duties or to comply with some or all of the conditions attaching to the post, or performing those duties or complying with those conditions in an unsatisfactory or inadequate manner.”

Where it appears the measures set out in paragraphs 4 and 5 above may not lead to the required level of performance, the University and BUCU are agreed that:

7 Paragraph 5 of Ordinance 3.21 may be invoked when there is concern (for example, where there is under-achievement of performance goals/objectives which have been set through the SDR (PDR) process) on the part of the Head of School (or the Head of School’s representative) that the performance of allocated job duties by a member of staff may decline below the “minimum satisfactory standards”, as referred to in Ordinance 3.21.5.

8 The Head of School (or representative) will make clear that the discussions which are being held are not part of a disciplinary procedure, and the member of staff is free to take such advice as s/he may consider appropriate, including from a union representative.

9 The purpose of an intervention under Ordinance 3.21.5 is to support an improvement in performance, including:

   i) explaining the minimum satisfactory standards of performance sought and setting them out in writing;
   ii) establishing with the member of staff concerned and recording in writing whether there are any reasons which prevent the individual from achieving the minimum satisfactory standards and how these might be overcome;
   iii) offering such support, coaching, mentoring and training as may be considered appropriate in the circumstances;
   iv) setting reasonable targets designed to ensure that the minimum satisfactory standards of performance are met by the individual, and a time period during which his/her performance will be monitored. In determining targets, the Head of School (or representative) will have regard to the expected achievements of a satisfactorily
performing member of staff given a similar workload and taking into account any underlying reasons for under-performance;

v) measuring progress in achieving set targets and providing feedback.
It is recognised that this may be an iterative process.

10 Any disputes (eg over the minimum satisfactory standards expected or the targets to be achieved) will be resolved by the decision of the next senior person above the level of the person managing the intervention, who will consider written representations.

11 Those managing interventions under Ordinance 3.21.5 will be trained for the purpose.

12 As a last resort, Ordinance 3.21 sets out the procedures which have been agreed between the University and UCU for the consideration of allegations of under-performance. It is emphasised that the purpose of the disciplinary procedure is to support an improvement in performance.

18 March 2013