

PERFORMANCE MANAGEMENT POLICY

Department / Service:	Human Resources	
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Approved by:	Joint Negotiating and Consultative Committee	
Designation:	Director of Human Resources and Organisational development	
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This is the most current document and should be used until a revised version is in place		
Target Organisation(s):	Worcestershire Acute Hospitals NHS Trust	
Target Departments:	All wards and Departments	
Target staff categories:	All staff with the exception of Medical staff covered Conduct, Capability, Ill Health and Appeals Policies and Procedures for Medical and Dental Staff	

Purpose of this document:

The purpose of this Procedure is to provide a framework whereby managers can work with employees to maintain appropriate standards of performance required in their role and where necessary to support and encourage employees to achieve the required improvements in performance.

References:

Employment Rights Act 1996	
Equality Act 2010	
Conduct, Capability, Ill Health and Appeals Policies and Procedures for Medical and Dental Staff	
Sickness Absence Health and Well Being Policy	
Dignity at Work Policy	
Disciplinary Policy	

Key amendments to this Document:

Date	Amendment	By:
May 2012	Re-write to clarify process – replaces the previous Performance Management Procedure	Julia Cross
October 14	Review in line with the 2 year period set and amended appendix 1 applied	Julia Cross
Dec 2016	Document extended for 12 months as per TMC paper approved on 2 nd July 2015	TMC
Nov	Document extended whilst under review	TLG

2017		
March 2018	Document extended for 3 months as approved by TLG	TLG
June 2018	Document extended for 3 months as approved by TLG	TLG
June 2019	Document extended for 12 months whilst review process takes place	Rachel Morris/Tina Ricketts
June 2020	Document extended for 6 months during COVID-19 period	

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Introduction

- 1.1 Worcestershire Acute Hospitals NHS Trust recognises that standards of performance are necessary for the provision of quality care to patients. The contribution and performance of each individual is crucial to achieving this aim.
- 1.2 The Trust recognises the quality of service and care that its' staff provides to our patients. In recognition of this, this procedure has been developed to ensure concerns over performance are dealt with fairly and that steps are taken to establish the facts.
- 1.3 This procedure will encourage and ensure the attainment of the highest possible standards of performance by all its employees and value their efforts by providing a fair, clear and consistent method of handling all capability issues. The procedure is set against the legal framework of the Employment Rights Act 1996 and the ACAS Code of Practice.
- 1.4 The Trust recognises its' legal duty under the Equality Act 2010 to make reasonable adjustments to working arrangements as appropriate in relation to the operation of this Procedure.
- 1.5 This policy is applicable to all employees, employed in the Trust, except Medical and Dental staff where specific arrangements apply in cases of professional conduct or competence.

2. Definitions

Capability - defined in the Employment Rights Act 1996 'capability assessed by reference to skill, aptitude, or any other physical or mental quality'.

3. Scope of the Procedure

- 3.1 This procedure applies to employees ONLY not agency/self-employed contractors.
- 3.2 This policy outlines the procedures for managers to follow when dealing with poor performance. The overall aim of this policy is to bring about an improvement in performance through supportive and constructive mechanisms. However, if there is no improvement in a staff member's performance after a period of support and/or training, then ultimately the staff member may be dismissed.
- 3.3 There may be situations where a staff member is under performing due to a specific problem and therefore it may be more appropriate for action to be taken under another Trust policy as follows:
 - Where there is an issue of misconduct, it may be more appropriate to use the Disciplinary Policy.
 - Where the poor performance is due to absenteeism or ill health, it may be more appropriate to use the Managing Sickness Absence Health and Wellbeing policy.
 - Where the poor performance is due to alcohol or drug dependency it may be more appropriate to use the Substance Misuse Policy.
 - Where the poor performance is due to issues around harassment and bullying it may be more appropriate to use the Dignity at Work policy.

- 3.4** The spirit of this procedure is to ensure that all reasonable steps are taken to resolve concerns regarding poor performance at the informal stage wherever possible before invoking the formal Performance Management Procedure.
- 3.5** The procedure provides a fair, consistent and transparent method of dealing with concerns regarding required standards of performance.
- 3.6** It ensures that concerns over performance are dealt with fairly and that steps are taken to establish the facts and to give employees the opportunity to improve before any formal action is taken.
- 3.7** Appraisal should not be used to discuss capability issues.
- 3.8** The procedure may be initiated at any stage within the policy if the employee's performance warrants such action or becomes of a serious nature and the employee will not be able to meet the required standards of performance, following an appropriate assessment. In cases where the procedure is entered at Stage 2 or Stage 3 (HR advice must have been sought), it must be demonstrated that there have been on-going meetings concerning performance/attendance.
- 3.9** Employees will not normally be dismissed for performance reasons without previous warnings. However in serious cases of gross negligence, dismissal without previous warnings may be appropriate.
- 3.10** The employee will have the right to be accompanied by a Trade Union Representative or work colleague at all formal meetings.
- 3.11** All parties involved must treat any capability matter with absolute confidentiality.
- 3.12** Human Resources advice will be available to all parties to ensure fair and consistent application of this procedure. In dealing with issues which may lead to capability action, managers must seek Human Resources advice at the earliest opportunity and will be present at all the formal stages.
- 3.13** If the employee or their trade union representative is unable to attend they should notify their manager immediately and an alternative date may be arranged. The employee must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct. If the employee fails to attend without good reason, or is persistently unable to attend, the hearing may proceed in their absence on the basis of the available evidence.

4. Principles

- 4.1** The aim of each stage of the procedure is to always:
- Ensure confidentiality is maintained at all times by all parties
 - Review the employee's performance against agreed standards
 - Review barriers to achieving those standards due to capability
 - Investigate any problems the employee is having which may impact on work. These problems may not necessarily be caused by/related to work.

- Ensure records are kept at all stages and are shared with the employee to maintain a high level of openness and transparency
- Give explicit examples when giving feedback
- Discuss and explain the standards required.
- Explore options for overcoming any barriers to performance.
- Offer reasonable training, support and guidance.
- Agree reasonable time limits for the employee to achieve and maintain the standard of work.
- Explain to the employee what action is to be taken if s/he does not meet and maintain standards.
- All employees have the right to be accompanied by a Trade Union representative or a workplace colleague, at all formal stages of the procedure.

5. Responsibility and Duties

Overall responsibility for this Procedure rests with the Trust Board. Operational responsibilities are delegated as follows:

5.1 Executive Directors

The lead Executive Director for this Procedure will be the Director of Human Resources and Organisational Development. In addition, all Executive Directors will be responsible for ensuring that:

- All employees are informed of the terms of the procedures that apply to them
- The procedure is implemented and operated effectively within their directorates
- Managerial action is fair, equitable and reasonable in all circumstance(s) and is monitored effectively
- Managers are appropriately trained to apply the procedure adequately

5.2 Managers and Supervisors

Managers and Supervisors carry responsibility for effectively and fairly implementing and operating this procedure within their department. In addition all managers will be responsible for ensuring that:

- Employees are informed of this procedure and its operation
- Employees are informed of the required standards of work performance
- Employees are kept informed of their progress in meeting the required Standards
- Employees are given adequate training to equip them to carry out their duties through the use of the appraisal scheme and personal development plans
- Employees are provided with adequate help and support where necessary
- All staff are aware of their responsibilities in relation to the Performance Management Procedure

5.3 Employee Responsibilities

All employees are expected to meet the required Trust standards of performance. Employees who have difficulty, at any stage of the procedure, or in the general course of their duties, should discuss this with their manager, a member of Human Resources or staff side representative

5.4 The Role of Human Resources

The Human Resources Department is a source of advice and guidance on the interpretation and application of the Performance Management Procedure.

Human Resources representatives are available to support managers with investigations and capability hearings where necessary.

5.5 The role of Staff Side Representatives

Staff side representatives are a source of advice and support to managers and union members in the application of this procedure

6. Equality requirements

An Equality Impact Assessment has been undertaken in accordance with Trust policy and attached at Appendix 5.

7. Process for managing capability issues

This Procedure should be followed where **capability** has been identified as the cause of the poor performance (as opposed to health or conduct):

- The purpose of this procedure is to help the employees where their performance is below the required standard where the employee is lacking in some area of knowledge, skill or ability, resulting in a failure to be able to carry out the required duties to an acceptable standards and to assist them in improving their performance to the required standard and to sustain these standards.
- It should be noted that the informal stage is usually the most effective part of the process, particularly for minor incidents of poor performance.
- A relevant professional adviser may be consulted over standards of performance involving professional staff.
- A decision to invoke this procedure, even at the preliminary, informal stage, should not be a surprise to the employee who should already be aware of issues of performance having discussed these with the Line Manager previously (conversation of concern)

8. Stages of the Procedure

8.1 Informal Stage

The informal stage involves a one-to-one meeting between the manager and employee where concerns about performance are discussed and the reason identified as being due to capability. The aim of this meeting is to clarify the standards of performance required and to encourage improvement.

The checklist found in **Appendix 2** of this document should be used at this meeting.

Although the meeting is informal, the manager must put in writing the agreed outcome and appropriate action plan – See **Appendix 1**. At this meeting the

consequences of failure to achieve the plan must be made clear to the employee. The manager must issue the employee with a copy of the Performance Management Procedure.

The individual improvement action plan will:

- Ensure the staff member is aware of the expected standards to be achieved
 - Agree an action plan for improved performance
 - Detail any support that will be given to assist in the achievement of improvement
 - Detail any agreed adjustments to working conditions or the role which have been identified
 - Detail any training needs that have been identified as a result of the meeting and detail how these needs will be met*
 - Set a timescale for review (this will be dependent upon the content of the action plan but should be within a maximum of 3 months)
 - Detail how the action plan will be monitored. A clear explanation must be given that if there is a failure to achieve any of the objectives that result in a serious problem with the operation of the service, the date for the formal meeting may be brought forward.
 - Look at other mechanisms for support or adjustments to be made to the job to assist in alleviating the problem*
- * Managers may consider in-house training, external training, shadowing, coaching, assigning a mentor, a secondment or any other suitable type of training/development support. This may require the individual to change sites or working pattern to support the programme, subject to discussion with the individual.
- The manager confirms with the employee they are on the informal stage of the Performance Management Procedure.

8.2 Progress Monitoring Meetings

These meetings are held informally, normally with the employee's line manager, on a one-to-one basis. These meetings should occur on a regular basis (e.g. fortnightly or as agreed) and be arranged within their working hours. Where the action plan is being monitored by another person then the manager must ensure that they receive regular feedback regarding progress. These meetings occur between each of the stages of the procedure.

The checklist in **Appendix 3** of this document should be used at these meetings.

At the end of the review period the line manager will make an assessment as to whether the employee has achieved the action plan. They will review the measures undertaken to support the employee and ensure that sufficient support, training etc. has been provided to the employee as agreed.

a) If the action plan has been achieved at this stage then the employee should be informed that there will be no further reviews provided performance sustained and is

consistent. If, however the performance drops below the required standard this may be progressed to the formal stages of the procedure.

b) If the action plan has not been met then this should be progressed to the first formal stage of the procedure. Before moving to the first formal stage, managers must be satisfied that all the agreed actions as part of the action plan have been implemented by the manager e.g. that agreed training has been undertaken. If this is not the case, then it may be necessary to extend the review period under the informal stage before moving into the formal procedure.

8.3 First and second Formal Stages - see attached flowchart at appendix 7.

Where performance issues continue after the initial discussion, the manager will undertake a review of all the evidence from the informal discussions, review meetings, the content of the action plan, any witness statements (if required) and all supporting documents. If there is evidence that the employees performance has not improved within the timescale, a performance assessment report will be completed by the manager who undertook the informal stages and formal action under the procedure as set below will be initiated.

If a decision is made to move to a formal stage, the employee should be invited to a formal meeting and the written invitation should set out the concerns about their performance, the reasons for the concerns, and the likely outcome if the Trust decides that the performance is unsatisfactory. The employee will receive the performance assessment report and all relevant evidence / information and witness statements (if appropriate).

The first formal stage meeting will normally be chaired by the line manager with an HR representative.

The manager should advise the staff member of their right to representation by a union representative or colleague not acting in an official capacity, and give at least 10 working days' notice of the meeting.

The manager chairing the meeting must formally advise the staff member, in writing of the capability concerns and that they are required to attend a formal meeting. The checklist in **Appendix 4** of this document should be used.

If the Manager decides to issue an Improvement Notice after hearing the facts of the case; the Capability Action plan will be updated and reissued with a time period and a date for a Review Meeting will be set.

The Improvement Notice should be confirmed in writing to the employee, with a copy to his/her trade union representative (as appropriate) within 5 working days of the capability hearing, including the right of appeal. This should specify what the Trust's expectations for performance improvement, training / support to be provided, a timescale for improvement and set out the timescales for regular reviews. The employee needs to be warned of the consequences if they fail to improve within the review period that may include moving to the next stage. There should be a meeting scheduled in at the end of the review period to let the employee know.

The letter will also state how long the warning will remain on their file (6 months for first stage and 12 months for second stage).

Before moving to the final stage, the line manager must be satisfied that all the agreed actions have been implemented and all measures explored. For example,

that agreed training has been undertaken or adjustments made. If this is not the case, then the period may be extended under the current stage before progressing to the final stage.

8.4 Final Stage – Capability Hearing

Where performance issues continue after the action taken at the formal the manager will undertake a review of all the evidence from the informal discussions, review meetings, the content of the action plan, any witness statements (if required) and all supporting documents. If there is evidence that the employees performance has not improved within the timescale following supportive action taken at Stage 1 and Stage 2, formal action under the procedure as set below will be initiated and a performance assessment report will be completed by the manager.

If a decision is made to move to the final stage, a Capability Hearing should be convened with a panel consisting of a Senior Manager (General Manager or equivalent role in the structure), a HR representative (not previously involved) and, where necessary, an advisor from the area the staff member works in e.g. a Matron if it is a professional competence issue The invitation should set out the concerns about their performance, the reasons for the concerns, and the likely outcome if the Trust decides that the performance is unsatisfactory. The employee will receive the performance assessment report and all relevant evidence / information and witness statements (if appropriate).

The chair of the panel will write to the staff member advising of the date of the hearing. They must be advised of the right of representation, and have copies of all documentation that will be presented at the hearing as a performance assessment report and the individual will have the right to respond to the report contents.

The manager should provide the panel and the staff member with a performance report at least 10 working days prior to the meeting which outlines full details of the capability concerns, the action taken to date, the support given, reasonable adjustments made and the outcomes.

At the hearing there will be an opportunity to state their case, consider support provided, underlying causes and the action plan etc. The panel will thoroughly explore the problems in an open and constructive manner to ensure they understand the situation and, if deemed necessary, may call in other relevant people to give clarity and independent advice.

The panel will then reach a decision on the most appropriate way forward. The options that can be considered at this stage are:

a) Further period of review

The panel may feel that the process to date has not been as robust as it should. They may therefore recommend that the individual undergo a further supported period to allow them to demonstrate improvement. They may also recommend further support or actions. This may occur if there is a discrepancy in facts, where the staff member disagrees with the manager's position and this cannot be clarified, or where it is felt that if the staff member was given a further period of support, they would be able to meet the required standard.

Normally, this extended period should be for no more than 3 months. At the end of the agreed extended period, the panel should reconvene. If at this time,

improvement is still not evident, then the panel will have no alternative but to consider dismissal. This must be made clear to the individual.

b) Termination of employment due to capability

The panel can make the decision to terminate the staff member's employment if:

- The employee has been offered reasonable adjustments, training and support

The employee will be entitled to contractual notice. However, it may be more appropriate to offer pay in lieu of notice.

Where the decision is to dismiss this should be put in writing to the staff member including information on the right to appeal.

8.5 Appeals Procedure

The member of staff has the right of appeal following any of the formal stages of this procedure. An employee who wishes to lodge an appeal should do so within 15 working days of receiving written notification of the action taken, stating the grounds for the appeal.

An appeal will be heard in 5 weeks after it has been registered.

Appeals will normally be heard as follows:

Appeal following the first formal stage – a manager of the same grade/hierarchical standing as the line manager and an HR representative. The individual has the right of representation.

Appeal following the second formal stage – a manager of the same grade/hierarchical standing as the line manager's manager and an HR representative). The individual has the right of representation.

Appeal following a dismissal – an Executive Director and an HR representative. The individual has the right of representation.

The purpose of an appeal is to consider whether the action taken by management was fair and reasonable at the time that the action was taken, and whether the correct procedure was applied in deciding on the action. The appeal must take account of any evidence that has emerged since the initial meeting or Capability Hearing. The appeal is not a rehearing of the case considered at the original meeting or Capability Hearing.

The decision of the appeal at any stage is final.

9. Financial risk assessment

The financial risk assessment associated with the procedure is attached as Appendix 12.

10. Consultation

This procedure has been developed in consultation with staff side and management representatives

11. Approval process

The procedure has been developed by a sub-group of the Joint Negotiating and Consultative Committee and has been subject to consultation with staff representatives. The procedure has been approved by the Joint Negotiating and Consultative Committee

12. Implementation arrangements

The procedure will be implemented immediately upon approval

13. Dissemination process

The policy will be placed in the Trust’s HR Document library on the Intranet and will be publicised through policy update briefings for managers and notified to the Trust Board by the Workforce Committee and JNCC.

14. Training and awareness

Awareness of this Procedure will be raised throughout the Trust. It will be included in all Induction training and will also form an integral part of all Management Development training.

Specific training and awareness sessions will be provided as part of the implementation of the Policy to enable all managers and staff-side representatives to understand what is expected of them.

15. Monitoring and compliance

This policy will be reviewed in 2 years or earlier in the light of any legislative changes, developments in good employment practice and to ensure its continuing relevance and effectiveness

Document Audit and Monitoring Table	
Monitoring requirements *What in this document do we have to monitor (e.g. processes)	a) The application of the capability policy b) The number of staff whose capability is being managed under the policy
Monitoring Method: (e.g. statistics, report)	a) half yearly report of the number of staff whose capability is being managed under the policy by staff group, gender, ethnicity, age, nature of the issue
Monitoring prepared by :- (name job titles)	a) HR Advisor
Monitoring presented to:- (e.g. Committees)	a) JNCC, b)Senior Managers and Directors c) HR Committee
Frequency of presentation:- (e.g. annually, six-monthly etc)	a) On a half-yearly basis

16. Development of the Policy

This policy will be reviewed after 2 years

APPENDIX 1

Performance Improvement Plan

Area For improvement	Expected standard/Level of Proficiency	Gap	Agreed Actions	Who will provide Support	Time Scale	Review Date	How will improvement be measured	Date to Achieve Expected Standard/ Level of Proficiency
<p>Example:</p> <p>Accurately complete all work related documentation and in a timely fashion</p>	<p>Example</p> <p>The post- holder is required to complete work – related documentation (care plans, patient note etc) without error and without complaints from others, in accordance with local policy timescales</p>	<p>Example</p> <p>A review of – Name’s work - related documentation for period revealed 24 errors, Including And 5 data entries were completed X days outside of policy timescales</p>	<p>Example</p> <p>For NAME to ensure all work-related documentation is completed by the end of each shift including blocking time where necessary to complete</p> <p>For NAME to ensure that he/she has all details and seeks advice where necessary</p>	<p>Example</p> <p>Line Manager to provide a quiet location for work-related documentation to be completed at the end of each shift</p> <p>Line Manager to provide weekly supervision where work-related documentation will be discussed.</p>	<p>Example</p> <p>Immediately</p> <p>Weekly</p>	<p>Example</p> <p>Informally review weekly</p> <p>Formal review date to take place on (Specific Date) 3 months</p>	<p>Example</p> <p>Review of accuracy and timeliness of documentation to be conducted – using notes from each weekly supervision meeting to assess progress</p>	<p>Example</p> <p>(Specific Date)</p> <p>3 Months</p>

This action plan has been agreed by:

Name of Manager: _____ Signed: _____ Dated: _____

Name of Employee: _____ Signed: _____ Dated: _____

Area for improvement: This should define the area in which an improvement in performance is required.

Expected Standard/ Level of proficiency: This should give detail of the standard of performance that is required. Where possible, this can make reference to the job description of the post. It is important to be specific about the standard or level of proficiency, so the post-holder is clear about the expectations

Gap: This should cite clear and specific examples of where the required standard has not been met, as it is important for the post-holder to understand where their performance has fallen short.

Agreed Actions: This should detail any specific actions that will be undertaken in order to achieve the desired improvement in performance. This can include any formal or informal training that will be undertaken, any additional supervision or any specific activities the individual should undertake. In order to complete this section the manager and employee should also discuss what potential barriers there are to an improvement in performance and detail what can be put in place to overcome these.

Who will provide support: In all cases the line manager or supervisor should provide support to the individual. This section should also detail who will support for each agreed action, where appropriate.

Timescale: This should detail a realistic timeframe in which each agreed action should take place. For example: a training course may be dependent on when this course is run; shadowing a colleague may depend on their availability etc

Review Date: A date should be set in which progress with the action plan can be assessed. The policy states that review meetings are held after 3 months. However, it may be beneficial to both manager and staff member to meet more frequently during this time- period to review progress and then the manager can support achievement of each action during the 3 month period.

How will improvement be measured: A measurable way of assessing performance in the area for improvement should be agreed between manager and staff member. In this way the manager can determine whether satisfactory improvement has been made or not.

Date to Achieve Expected standard/ Level of Proficiency: This should give the date by which all actions in the improvement plan should have taken place and a reasonable time taken to allow the improvement in performance to be made and measured. This is normally 3 months, to coincide with the 'review date'.

APPENDIX 2

Checklist for Conducting Initial Informal Meeting
 (Date of meeting: _____)

No.		Y/N
Prior to meeting with the member of staff		
1	Has the decline in capability noted been raised with the employee e.g. routine one-to-one meetings held previously with the employee? If not, this procedure should not be instigated at this time)	
2	Arrange the meeting to take place in a neutral environment to avoid the employee feeling threatened. A written invitation is not required at this stage	
At the meeting		
3	Outline the reasons for the meeting, giving specific examples of where it has been noted that performance is not up to the required standard. Use the Job Description and KSF outline as a guide to do this and clarify the required standards	
4	Sensitively check if the employee has any problems outside of work that may be impacting the noted capability (if so, look to find ways to support the employee for a short period of time e.g. a reduction in hours) and refer to HR for guidance	
5	Sensitively check if the employee has any health or other impairments which could impact on the noted poor performance	
If there is no social or health reasons identified for the poor performance		
6	Allow the employee the opportunity to respond to the concerns raised and explain their reasons for the decline in performance or inability to reach the expected level of competence	
7	Discuss barriers to capability and agree measures to overcome these barriers.	
8	Agree SMART targets and objectives with the employee to address the performance issues, using the template action plan in appendix 1	
9	Agree a timeframe for the achievement of these targets and objectives (normally 6 weeks to 3 months)	
10	Agree and plan any support required by the employee to achieve the targets and objectives e.g. training, coaching etc	
11	Agree how the progress against the action plan will be monitored, by whom and at what frequency	
12	Ensure the employee is aware of the consequences of continued capability issues and non-achievement of the targets and objectives set in the action plan, including the possibility of the formal stage being brought forward if any failure to achieve urgent/important targets have the potential to cause a serious detriment to the service.	
13	Outline the discussion in writing and ensure the employee has a copy of this and the action plan	
14	Confirm this constitutes the informal stage of the Performance Management Procedure and the consequences of not improving performance .	

The completed checklist must be shared with the employee and kept on the employees personal file for a period of six months following the conclusion of the procedure.

APPENDIX 3

Checklist for Conducting Informal Progress Monitoring Meetings
 (Date of meeting _____)

No.		Y/N
A new checklist to be used at each progress monitoring meeting		
1	Check the employee has a copy of the action plan	
2	Has the employee actioned all urgent/important targets required by the date of the meeting? (N.B. If any targets that are not met have the potential to cause a serious detriment to the service it may be necessary to bring the date of the next stage forward ahead of the originally agreed timescales – HR advice should be sought in this circumstance prior to any confirmation of this with the employee)	
3	Has the employee actioned sufficient targets/objectives at this stage to achieve the overall action plan in the timescales agreed?	
4	Has any agreed support identified been utilised e.g. training, shadowing etc? (if not consider whether the timescales for achievement of the action plan need to be extended)	
5	Have the measures implemented to overcome any barriers been reviewed?	
6	Make written notes of the discussion and ensure the employee has a copy of these	
7	Agree the date and time of the next progress monitoring meeting. Or if this is the final progress monitoring meeting and insufficient progress has been noted, advise the employee that a formal meeting will be convened. If sufficient progress has been made. The procedure is stopped here.	

The completed checklist must be shared with the employee and kept on the employee's personal file for a period of six months following the conclusion of the process.

APPENDIX 4

Checklist for Conducting First/Second Formal Meetings (Date of meeting _____)

No.		Y/N
1	Was the employee given 10 working days notice in writing to attend the formal meeting?	
2	Was the employee notified of their right to representation at the formal meeting?	
3	Was the employee issued with a copy of the Performance Management Procedures prior to the meeting?	
4	Did the informal stage follow the correct process? (If not this stage should be extended/repeated)	
	a Had the manager had previous conversations with the employee about capability concerns noted by the manager?	
	b Had the manager had an informal meeting to identify any issues or barriers causing the poor performance; taking appropriate action if there were?	
	c Had measures been put in place to overcome those issues or barriers?	
	d Had the manager agreed SMART objectives and targets with the employees and set these out clearly in the action plan template provided?	
	e Had time scales for achievement of each target been clearly defined and agreed?	
	f Had the discussions been outlined in writing with a copy given to the employee?	
	g Had the employee be informed they were under the informal stage of the Performance Management Procedures?	
	h Had the consequences of continued capability issues been communicated to the employee?	
	i Was the employee offered support with additional training, shadowing etc identified as required to meet the objectives set out in the action plan?	
	j Did the manager conduct regular one-to-ones with the employee to monitor progress against the action plan and was this recorded in writing?	
5	Has the employee been given sufficient time to achieve the targets and objectives set? (If not the informal stage should be extended)	
6	Has the employee received the agreed support outlined in the action plan? (If not the informal stage should be extended)	
7	Have the measure put in place demonstrated improvements against performance?	
8	Has insufficient improvement been made against the targets and objectives set out in the action plan?	
9	Check with the employee if a new reason has arisen which may be impacting on their ability to perform to the required standard. Take appropriate action if so	

If redeployment is not an option, there is no social or health reason identified for poor performance and insufficient improvement has been seen from the employee

10	Review the action plan from the informal stage/previous formal stage and agree SMART targets and objectives (These should not be dissimilar to those already set at the informal stage)	
11	Agree clear timescales for achievement of the objectives (normally 6 weeks to 3 months)	
12	Inform the employee of the consequence of further capability issues, including the possibility of the next formal stage being brought forward if any failure to achieve targets have the potential to cause a serious detriment to the service.	
13	Outline the discussions in writing and ensure employee has a copy of this and the action plan	
14	Inform the employee of the right to appeal	

The completed checklist must be shared with the employee and kept on the employee's personal file for a period of six months following the conclusion of the procedure

Appendix 5

Procedure at Final Stage – Capability Hearing

At the capability hearing, it is suggested that the following procedure be observed:

- The Chairperson of the Panel carries out introductions, identifying the role of each person, and explains the format of the hearing
- The manager shall state the management case and call any witnesses (if appropriate)
- The employee or his/her TU representative and members of the Panel shall be entitled to question any witnesses called
- The manager may re-examine the witnesses on any matters referred to in their examination by members of the Panel or by the employee or his/her representative
- The employee or his/her representative and members of the Panel shall be entitled to question the manager or his/her representative.
- The employee or his/her representative shall state his/her case and call any witnesses (if appropriate)
- The manager and members of the Panel shall be entitled to question any witnesses called
- The employee or his/her representative may re-examine the witnesses on any matters referred to in their examination by members of the Panel or by the manager or his/her representative
- The manager and members of the Panel shall be entitled to question the employee or his/her representative.
- The manager shall sum up
- The employee or his/her representative shall sum up last
- The Panel may at their discretion adjourn the hearing in order that either party may produce further evidence
- The manager/employee and their representative shall withdraw
- The Panel will re-call the manager/employee and their representative to give the outcome of the hearing

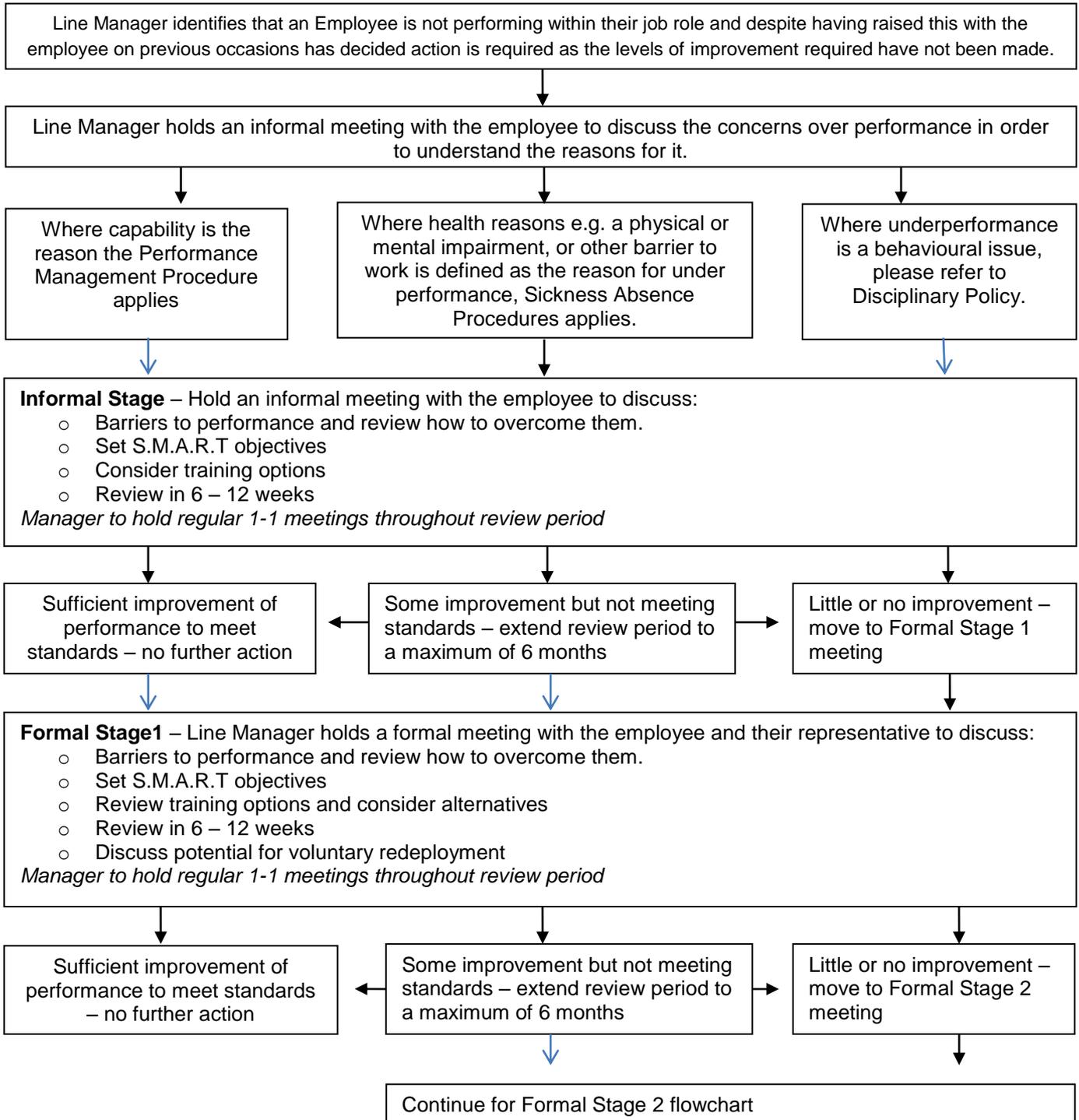
Appendix 6

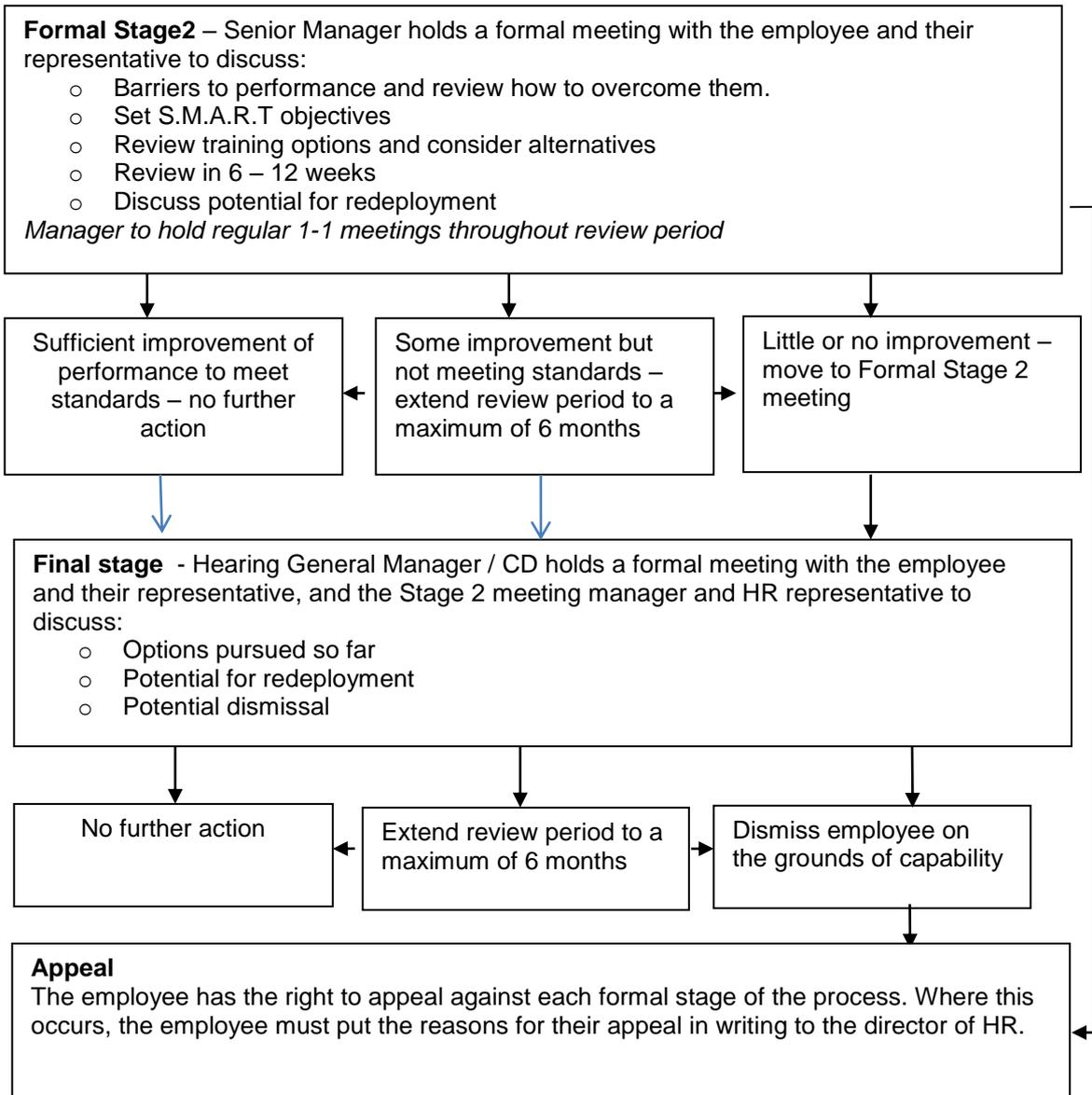
Procedure for Appeals Hearing

At the Appeals Hearing, it is suggested that the following procedure be observed:

- The Chairperson of the Panel carries out introductions, identifying the role of each person, and explains the format of the hearing
- The employee or his/her representative shall state their case and call any witnesses (if appropriate)
- The manager or his/her representative may question the employee's witnesses, as may the Panel Hearing the Appeal
- The employee or his/her representative shall have the opportunity to re-examine the witnesses if necessary on any matters referred to in their examination by the Panel/manager
- The manager or his/her representative and members of the Panel shall be entitled to question the employee or his/her representative.
- The manager shall present his/her case and call witnesses (if appropriate)
- The employee or his/her representative may question the management's witnesses, as may the Panel Hearing the Appeal
- The manager shall have the opportunity to re-examine the witnesses, if necessary, on any matters referred to in their examination by the Panel/employee
- The employee or his/her representative and members of the Panel shall be entitled to question the manager or his/her representative.
- The employee or his/her representative should sum up his/her case and the manager should sum up his/her case and this may include a reply to the employee's side
- The Panel may question any party to clarify matters which are unclear
- All parties other than the Panel should then withdraw and await the outcome of the Appeal
- The manager chairing the Appeal Panel will need to conclude whether to uphold, withdraw or amend the original decision
- The Hearing will resume to advise parties of the Panel's decision.

Appendix 7





SMART – Measurable,

APPENDIX 8

Checklist for Conducting Final Stage – Capability Hearing Date of meeting

No.		Y/N
1	Was the employee given five calendar days notice in writing to attend the final formal meeting?	
2	Was the employee notified of their right to representation at the final formal meeting?	
3	Was the employee issued with a copy of the Performance Management Procedure?	
4	Did the previous stages follow the correct process? (If not the previous stage should be extended/repeated)	
	a Had the manager had conversations with the employee about performance concerns noted by the manager prior to the instigation of this procedure?	
	b Had the manager had an informal meeting to explore if there were any underlying social or health issues which may have impacted on the employee's capability issues; taking appropriate action if there were?	
	c Had the manager agreed SMART objectives and targets with the employees and set these out clearly in the action plan template provided at each stage of the procedure?	
	d Had time scales for achievement of each target been clearly defined and agreed at each stage of the procedure?	
	e Had the discussions been outlined in writing with a copy given to the employee at each stage of the procedure?	
	f Had a conversation of concern been issued prior to the first formal stage of the procedure?	
	g Had the consequences of continued capability issues been communicated to the employee at all stages of the procedure?	
	h Was the employee offered support with additional training, shadowing etc identified as required to meet the objectives set out in the action plan?	
	i Did the manager conduct regular one-to-ones with the employee to monitor progress against the action plan and was this recorded in writing?	
5	Had the employee been given sufficient time to achieve the targets and objectives set? (If not the previous stage should be extended)	
6	Had the employee received the agreed support outlined in the action plan? (If not the previous stage should be extended)	
7	Had insufficient improvement been made against the targets and objectives set out in the action plan?	
8	Check with the employee if there are any social or health difficulties which may have arisen that they feel are impacting on performance. Take appropriate action, if so.	
If there is no social or health reason identified for poor performance and insufficient improvement has been seen from the employee		
9	Dismiss the employee on grounds of capability, giving contractual notice or payment in lieu of notice as appropriate	
10	Notify the employee of their right to appeal this decision	
11	Confirm the discussion and decision in writing to the employee	

Appendix 9

Equality Impact Assessment Tool

To be completed by the key document author and attached to key document when submitted to the appropriate committee for consideration and approval.

		Yes/No	Comments
1.	Does the policy/guidance affect one group less or more favourably than another on the basis of:		
	• Race	No	
	• Ethnic origins (including gypsies and travellers)	No	
	• Nationality	No	
	• Gender	No	
	• Transgender	No	
	• Religion or belief	No	
	• Sexual orientation including lesbian, gay and bisexual people	No	
	• Disability	No	
	• Age	No	
2.	Is there any evidence that some groups are affected differently?	No	
3.	If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	No	
4.	Is the impact of the policy/guidance likely to be negative?	No	
5.	If so can the impact be avoided?		
6.	What alternatives are there to achieving the policy/guidance without the impact?		
7.	Can we reduce the impact by taking different action?	no	

If you have identified a potential discriminatory impact of this key document, please refer it to Assistant Manager of Human Resources, together with any suggestions as to the action required to avoid/reduce this impact.

For advice in respect of answering the above questions, please contact Assistant Manager of Human Resources.

Appendix 10

Plan for Dissemination of Key Documents

To be completed by the key document author and attached to any document which guides practice when submitted to the appropriate committee for consideration and approval.

Title of document:	Performance Management Policy		
Date finalised:	15/6/2012	Dissemination lead: Print name and contact details	Julia Cross
Previous document already being used?	Yes		
If yes, in what format and where?	Trust Policy document held on intranet under HR Document Library		
Proposed action to retrieve out-of-date copies of the document:	Delete existing policy and replace with revised policy		
To be disseminated to:	How will it be disseminated, who will do it and when?	Paper or Electronic	Comments
All staff	Payslip News	electronic	
All staff	Publication on HR Document library	electronic	
managers	Publication through the monthly HR News Update	electronic	
Trust board	Integrated Governance Committee	electronic	
managers	Policy update briefings		Verbal presentations

Dissemination Record - to be used once document is approved.

Date put on register / library of procedural documents	15/6/2012	Date due to be reviewed	15/6/2014
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Disseminated to: (either directly or via meetings, etc)	Format (i.e. paper or electronic)	Date Disseminated	No. of Copies Sent	Contact Details / Comments

Appendix 11

Financial Risk Assessment

To be completed by the key document author and attached to key document when submitted to the appropriate committee for consideration and approval.

	Title of document:	Yes/No
1.	Does the implementation of this document require any additional Capital resources	no
2.	Does the implementation of this document require additional revenue	no
3.	Does the implementation of this document require additional manpower	no
4.	Does the implementation of this document release any manpower costs through a change in practice	no
5.	Are there additional staff training costs associated with implementing this document which cannot be delivered through current training programmes or allocated training times for staff	no
	Other comments: There is significant risk should this policy not be rigorously adhered to.	

If the response to any of the above is yes, please complete a business case and which is signed by your Finance Manager and Directorate Manager for consideration before progressing to the relevant committee for approval.