

# MANAGING WORK PERFORMANCE POLICY

Policy reference – LCCGHR13

SUMMARY	To provide a process and framework to manage work performance of employees and offer support and development where this can be identified.
AUTHOR	eMBED Health Consortium HR Team
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EFFECTIVE DATE	23 July 2018
APPLIES TO	All staff
APPROVAL BODY	Remuneration and Nomination Committee
RELATED DOCUMENTS	Pay Progression Policy, Equality & Diversity Policy, Managing Sickness Absence Policy, Alcohol, Drugs and Substance Misuse in the Workplace Policy.
REVIEW DATE	July 2022

### VERSION CONTROL SHEET

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Status</b>	<b>Comment</b>
1.1		Paul Appleyard	Draft	
1.2	10/01/14	Hannah Morris	Draft	
1.3	03/02/14	Hannah Morris	Draft	
1.4	03/04/14	Hannah Morris	Final	Procedure amended to clarify the informal procedure must be followed before the formal procedure.
1.5	10/01/2018			GDPR Updates
1.6	31/01/2018	Stacey Oglesby	Final	Bribery act, wording, time frames, outcomes at final hearing, added letters Full review of Policy with transition to a single CCG

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## **1. PURPOSE**

- 1.1 This document sets out the CCG's Policy and Procedure for managing work performance. It has been drafted to comply with statutory and other legal requirements.
- 1.2 The CCG is committed to setting high standards for employee performance, providing the appropriate training and support for employees to achieve these standards and dealing fairly and consistently with any concerns with performance.

## **2. SCOPE**

- 2.1 This policy will apply to all employees.

## **3. IMPACT ANALYSIS**

### **3.1 Equality Statement**

In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In addition, the CCG will ensure that employees and job applicants are not unreasonably discriminated against on the basis of other characteristics including socio-economic status, offending background, political affiliation and trade union membership.

A single Equality Impact Assessment is used for all policies and procedures.

### **3.2 Bribery Act 2010**

The Bribery Act 2010 makes it a criminal offence to bribe or be bribed by another person by offering or requesting a financial or other advantage as a reward or incentive to perform a relevant function or activity improperly performed.

The penalties for any breaches of the Act are potentially severe. There is no upper limit on the level of fines that can be imposed and an individual convicted of an offence can face a prison sentence of up to 10 years.

The Bribery Act applies to this policy.

## **4. ACCOUNTABILITY**

- 4.1 The Chief Executive is accountable for this policy.

## **5. IMPLEMENTATION AND MONITORING**

- 5.1 The Remuneration and Nomination Committee is responsible for formal approval and monitoring compliance with this policy. Following ratification the policy will be shared with staff in the e-bulletin and will be available on the website.
- 5.2 The policy and procedure will be reviewed periodically by the Senior Management

Team in conjunction with managers, Human Resource Representatives and Trade Union representatives where applicable. Where review is necessary due to legislative change, this will happen immediately.

## **6. RESPONSIBILITIES**

6.1 Good working relations are vital for the organisation to operate successfully and provide services. There is a joint responsibility for management, trade unions and employees to accept the responsibility of working together on issues in good faith and with the shared intention of facilitating good working relations.

6.2 The CCG is committed to ensuring that all personal information is managed in accordance with current data protection legislation, professional codes of practice and records management and confidentiality guidance. More detailed information can be found in the CCG's Data Protection and Confidentiality and related policies and procedures.

### **6.3 Employees**

6.3.1 It is the responsibility of employees for:

- Ensuring that they are aware of the standards expected of them, and, to ask for assistance, training, guidance and support to enable them to achieve and maintain these standards.
- Aiming to achieve a high standard of performance as individuals and contribute effectively to the team, where appropriate.
- Informing their manager (or appropriate third party, i.e. Human Resources / Employee Representative) of any job related or personal issues that may be preventing them reaching the agreed standards, in order that support and assistance may be provided.
- Contributing to any discussions about their performance and participating fully in any reasonable action plans aimed at performance improvement.
- Complying with their professional code of conduct, where applicable.

### **6.4 Line Managers**

6.4.1 It is the responsibility of line managers to ensure that they:

- Agree standards of performance, which are specific, realistic, achievable and measurable, and ensure that these are communicated effectively.
- Provide an induction programme to ensure that employees are clear about the aims of the organisation and department and the standards expected of them.
- Discuss and agree with the employee any changes to job role, as appropriate.
- Retain appropriate documents to record training and development to ensure that adequate training has been given prior to an employee undertaking a specific task.
- Conduct regular appraisals against the agreed framework and in line with the Pay Progression Policy.
- Provide full support, encouragement, training, development and assistance to enable employees to reach and maintain the required standard.
- Ensure that employees are aware when they are meeting and exceeding expectations.
- Discuss performance problems informally when they arise, in order that the matter may be resolved, and the necessity for taking formal action may be avoided. This discussion will be documented and follow up key points made in writing to clarify performance issues and actions to be taken.

- Work in partnership with Employee Representatives to ensure that all performance issues are dealt with fairly and consistently.
- Take specific action as required to facilitate disabled employees in meeting performance standards, by making reasonable adjustments to working conditions and work patterns as appropriate and in accordance with the Equality and Diversity Policy.

## **6.5 Human Resources Team**

- 6.5.1 The Human Resources representative will provide advice and support on all aspects of this policy to ensure application and support.
- 6.5.2 A series of template letters are provided at appendices 1-12 to support the process.

## **7. PROCEDURE - INFORMAL**

If an employee's performance causes concern this should be discussed with the employee at the earliest opportunity to identify possible causes for the underperformance. If these issues are persistent, line managers should refer to the informal stage of this procedure. This procedure will be implemented where the manager considers that an employee is failing to achieve and maintain defined standards of work. Issues regarding misconduct and ill-health will be addressed under the appropriate policy (please refer to the Disciplinary Policy and Attendance Management Policy and seek HR advice where necessary).

- 7.1 At the informal stage meeting the Manager will invite the employee to a meeting to draw their attention to the concerns, providing objective evidence (see Appendix 1 template letter). For example, this could be when performance targets set at appraisal or one to one meetings have not been achieved. The concerns should have already been discussed with the employee and it is the line manager's responsibility to ensure that issues have been documented previously in supervisions/one to ones etc. It must be made clear to the employee the detail of the shortfall of the performance. The employee should be given an opportunity to discuss any training or support that is required to improve performance to reach the required standards. The employee must also be given an opportunity to express their opinion and for the line manager to consider external factors, which may be contributing to the poor performance.

Wherever possible, the manager and employee should jointly identify:

- the underlying cause;
- a course of action;
- a timescale to overcome the problems;
- what support is available, such as training, coaching/mentoring, work observation, work shadowing and internal visits (this list is not exhaustive); and
- regular review periods.

These should be documented, signed off by both parties and a copy provided to the employee.

- 7.2 Dependent upon discussions with the employee, it may be appropriate to deal with the matter under another procedure, for example:
- attendance management;
  - acceptable standards of behaviour; or

- alcohol and drug misuse.
- 7.3 The outcome of any informal discussions is to be confirmed in writing (see Appendix 2) to the employee together with a record of any action and/or agreed training requirements including timescales for the expected improvement to be achieved. This timescale will be reasonable and fair and agreed e.g. between one to three months. In considering what is a reasonable timescale for improvement to occur managers are to consider the nature of the post, the extent to which the employee is functioning below standard and the type and extent of training and support required.
- 7.4 The subsequent performance of the employee should be monitored and assessed objectively and frequently, giving the employee any feedback, both positive and negative e.g. review meetings weekly or fortnightly. It is the responsibility of the line manager to ensure these are scheduled. See Appendices 3 and 4 for template letters.
- 7.5 During the informal stage of the Managing Work Performance Policy employees do not have the statutory right to be accompanied by a Trade Union representative or workplace colleague. However the employee may wish to contact a workplace colleague or trade union representative for advice and support.
- 7.5 At the end of the review period a review meeting should be held between the individual and the line manager. A written invite should be sent to the individual at least three working days prior to the meeting to confirm the details. The purpose of the review meeting is to review the individual's progress and determine what further action is required.
- 7.6 If the individual's work performance has not improved at all or has not improved enough for it to be reasonably expected that they will reach the required level of performance quickly, the concerns can be escalated to the formal stages of the policy.
- 7.7 If the employee meets the required objectives/standards of work performance within the timescale no further action will be taken.
- 7.8 If the performance is not maintained by the employee over the 12 months following the most recent review meeting, the line manager may also progress to the formal stage of the procedure.
- 7.9 The outcome of the review meeting should be confirmed in writing.

## **8. PROCEDURE - FORMAL**

### **8.1 Right to be Accompanied**

- 8.1.1 An employee has the right to be accompanied by a Trade Union representative or work colleague, not acting in a legal capacity at any formal stage. The role of the representative is to assist and support the employee and to speak on the employee's behalf within the procedure.
- 8.1.2 The employee is responsible for arranging their own representation for meetings, hearings and appeals whether this is with a local or regional representative. Making such arrangements should not cause undue delay to the process as it is in the interests of everybody to deal with performance concerns promptly. The unavailability

of a particular representative should not be a reason for delaying matters for more than a few days and in line with statutory requirements.

## **8.2 Formal Review**

8.2.1 Where the informal stage has been applied and the employee's performance remains below standard, or fails to maintain the agreed performance level, the line manager will progress to the formal stage. Managers must complete the informal stage before commencing the formal stage. The Manager will write to the employee to arrange a meeting, giving at least five working days' notice of the date and time (see Appendix 5). The employee will be informed of the nature of the concerns, any informal agreed actions and timescales, and their right to representation. The Manager, a Human Resources representative, the employee and the employee's representative, if appropriate, will attend the meeting.

8.2.2 At the meeting the Manager will specify those aspects of the employee's performance which are of concern, providing evidence, and give the employee the opportunity to respond. Previous informal action will be fully discussed at this stage.

8.2.3 Following discussion, the following options are available:

- a realistic and achievable plan of action will be designed and jointly agreed, to allow the employee to achieve the required standard of performance.
- the plan will have specific targets to be achieved and a date for review.
- the plan will set out how the employee's performance will be monitored, and what type of supervision or support will be provided during the period under review.
- it may be possible to consider a reduction of working hours, with appropriate pay reduction, that makes it possible for the employee to cope on a permanent basis and in line with service needs. This would only be in agreement with the employee and cannot be forced by the CCG.
- if it is agreed by both parties that the employee is not capable of continuing in their current post then the possibility of alternative employment, that matches their level of competence/knowledge/capability, should be considered.

8.2.1 The outcome of the meeting will be confirmed to the employee in writing including the specific action required (see Appendix 6). The next stage should be explained if the employee fails to achieve the standard required.

## **8.3 Formal Review Continued**

8.3.1 At the conclusion of the monitoring period the employee will be invited to a performance review meeting (see appendices 7 and 8 for template letters).

8.3.2 If the required improvement has been made there will be no further action under the formal stage of the procedure. However, should the employee not maintain the required standard of work performance over the 12 months following the performance review meeting, the line manager may return to the formal stage of the procedure.

8.3.3 If the employee has made partial but significant improvement and there is a prospect of the required improvement being made within one to three months, the monitoring period will be extended whilst still continuing the supportive measures outlined in this policy.

8.3.4 However, if unsatisfactory progress or no improvement has been made towards the agreed performance level and there is no prospect of improvement within a

reasonable time frame, and having exhausted all other avenues as detailed in section 1 of the procedure, the line manager may refer the employee to a hearing where their performance issues and progress will be assessed by an independent panel. Advice can be sought from the appropriate HR representative.

#### **8.4 Final Review Hearing**

- 8.4.1 When a decision is taken to hold a final performance review hearing, a panel will be formed consisting of an independent manager(s) at a senior level (of a higher grade to the employee concerned) and a Human Resources representative to hear the case, neither of whom have had any prior involvement in the previous stage.
- 8.4.2 The employee will be given at least 10 days' written notice of the meeting and will be advised of the purpose of the meeting and details of action taken to date (see Appendix 9).
- 8.4.3 The manager who supported the employee through the informal and formal stages will prepare a management case for the hearing. The management case will include the performance report, and copies of any relevant documents gathered throughout the reviews.
- 8.4.4 The employee may also produce a statement of case including any relevant material to support their case.
- 8.4.5 This information should be provided to the panel five working days prior to the hearing so that an exchange of information between the parties is made.
- 8.4.6 Adjournments may be called by the panel at any time during the hearing should new facts emerge which require investigation or clarification. If the employee requires an adjournment this will be honoured, for example if the employee wishes to have a private conversation with their representative or if they become distressed an adjournment may be called in order for them to regain their composure. Should the employee be unable to continue, the hearing will be adjourned to a later date.
- 8.4.7 Performance review hearings should be fair and consistent. The independent manager will chair the hearing. They will introduce those present and the hearing will proceed usually as follows:
- The information will be set out by the manager, who will then present the report.
  - The panel may question the manager.
  - The employee/representative may question the manager.
  - The employee/ representative will outline whether the employee accepts or denies the concerns.
  - The employee will give his/her account of the matter.
  - The panel may permit questions of the employee by the manager and may ask questions.
  - The employee/ representative will sum up.
  - The manager will sum up.
  - The panel will consider the case in private. The panel must be satisfied that they have all the relevant information and advice required to make a decision. If this is not the case an adjournment may be requested by agreement.
  - The panel will inform the parties of the decision on the day (under exceptional circumstances and by agreement the outcome may be given at a later date).

8.4.8 The Panel Members will make their decisions on the evidence in front of them to:

- Take no further action.
- Undertake a further period of target setting, monitoring and review.
- Redeploy the employee, if appropriate.
- First written warning.
- Final written warning.
- Dismissal (not normally applied at the first hearing unless the impact of the underperformance is so severe and detrimental to the CCG that the employee can no longer continue in their role, such as where there are concerns that an employee's performance represents a significant danger to themselves, colleagues, service users or the financial/physical resources of the CCG)

If it is decided to dismiss the employee, the full contractual period of notice will apply (or payment in lieu if appropriate). The letter should state the reason for dismissal, i.e. "as a consequence of the employee's incapability to discharge their duties to an acceptable standard".

8.4.9 The panel will confirm the decision in writing to the employee/representative. The letter will set out the decision and reasons for it and notify the employee of the right of appeal (see Appendix10).

## 8.5 Failure to Attend

8.5.1 Where failure to attend is with prior notice the hearing will be reconvened. Where failure to attend is not notified prior to the hearing the employee will be asked in writing to explain the reason for their non-attendance. The hearing will be reconvened. If the reconvened hearing is not attended by the employee or their nominated representative the hearing may proceed in their absence. Where failure to attend is due to sickness absence from work an occupational health referral may be required to advise if the individual is fit to attend the hearing

## 9. APPEALS

9.1 An employee has the right of appeal against dismissal or against redeployment. In wishing to exercise this right, the employee should write to the Chief Executive within 14 working days of the date of the letter confirming the decision. The letter must include details of their grounds for appeal. In exceptional circumstances this period may be extended.

9.2 The employee will be invited to an appeal hearing in writing (appendix 11) and must be given at least 10 working days' notice of the date of the appeal hearing. The employee will have the right to be accompanied at the appeal hearing by either a trade union representative or workplace colleague, not acting in a legal capacity. The Chief Executive will appoint the panel. A Human Resources representative will send a letter confirming the grounds for appeal, arrangements for the hearing and possible outcomes to the employee giving at least 10 working days' notice of the hearing.

9.3 The manager who considered the matter at the final review stage will prepare the management case for the hearing. The management case will typically include the outcome report, any agreed actions, the rationale for the decisions and copies of any relevant documents and other information. The employee may also produce a statement of case including any relevant material to support their case.

- 9.4 This information should be provided to the panel five working days prior to the hearing so that an exchange of information between the parties is made.
- 9.5 Appeals will be heard by an Appeal Panel. The composition of the Appeal Panel will normally be the Chief Officer, or nominated deputy, in addition to another independent senior manager with a Human Resources Representative. An additional professional advisor will also be on the panel as appropriate.
- 9.6 The usual procedure of the appeal is:
- The employee/representative sets out the reason for the appeal and explains the case.
  - A member of the final review panel explains the reasons for the decision and comments on the Appeal case.
  - The Appeal Panel may ask questions of either party.
  - The Appeal Panel considers the Appeal in private.
  - The Appeal Panel informs the parties of the decision (on the day or by letter). The outcome is confirmed in writing within five working days of the hearing (Appendix 12).

The Appeal is the end of the internal process.

- 9.7 The Panel Members will make their decisions on the evidence in front of them. They will decide:
- whether there has been reasonable support for the employee;
  - the concerns with performance and reasons for them;
  - whether they believe that the employee is likely to make sustained improvements;
  - whether the employee is capable of doing his or her job or not;
  - whether there is any other job that the employee could do, is willing to do and for which there is a vacancy.
- 9.8 The appeal will consider whether termination of employment is fair and reasonable taking into account:
- the performance record;
  - the reasons for under performance;
  - the employee's record as a whole;
  - whether there is other work available for the employee to do;
  - any other factor the panel considers relevant.

- 9.9 The decision of the appeal panel is final.

## **10. RECORDS**

- 10.1 Line managers are responsible for keeping records of performance meetings at all levels. The records will be notes of meetings. The record of the formal stage performance hearing will be made available to the employee, before any appeal.



Date:

Dear

**Managing work performance - invitation to informal meeting**

Further to our recent discussions, I write to invite you to an informal one to one meeting in line with the Managing Work Performance policy (copy enclosed).

The meeting will be held at (TIME) on (DATE) at (LOCATION).

The purpose of the meeting is to informally discuss your performance in the role of (JOB TITLE AND BAND). I have enclosed a copy of your job description and recent one to one notes. This is an opportunity for us to discuss the performance issues and identify reasons for these, whilst also giving you an opportunity to express your opinion. It is a supportive measure to ensure that you have a secure understanding of the expectations of your role and how your role impacts on the performance of the team and the wider organisation.

An outcome of the meeting may be the formulation of a performance improvement action plan including specific timescales which will be agreed by both of us. This may include further training, mentoring and/or support.

*If there are specific examples then it may be useful to provide brief detail of these so that the employee is prepared for the meeting.*

*In particular we will discuss:*

- A
- B
- C

As this is a one to one meeting it is not usual to be accompanied, however in the meantime you may wish to seek advice and support from a workplace colleague or trade union representative.

If you have any queries prior to the meeting or you are unable to attend, please do not hesitate to contact me on the above telephone number or e-mail address.

Yours sincerely

*Line manager*

*Job title*

*Enc Job description*



Ref: MWP3/IPR

Date:

Dear

**Managing work performance informal procedure - invitation to performance review**

Further to our meeting on (DATE) at which we discussed your performance in the role of (JOB TITLE and BAND), I write to invite you to a performance review under the informal procedure of the Managing Work Performance policy.

The meeting will be held at (TIME) on (DATE) at (LOCATION).

The purpose of the meeting is to review your progress against the performance improvement action plan which was agreed following our meeting. I have enclosed a copy of the action plan for your information.

Please be aware that a decision will be made at the meeting regarding how to proceed. The possible outcomes are no further action, an extension to the monitoring period or escalation to the formal stage of the Managing Work Performance procedure.

I would like to remind you that as this is a one to one meeting it is not usual to be accompanied; however in the meantime you may wish to seek advice and support from a workplace colleague or trade union representative.

If you have any queries prior to the meeting or you are unable to attend, please do not hesitate to contact me on the above telephone number or e-mail address.

Yours sincerely

*Line manager*

*Job title*



Ref: MWP4/IPR

Date:

Dear

**Managing work performance informal procedure - confirmation of performance review meeting**

Thank you for attending an informal review meeting in line with the Managing Work Performance policy on (DATE). The purpose of the meeting was to review your performance against the (*informal action plan/ objectives*) set at our meeting on (DATE) and to consider appropriate next steps.

At the meeting we discussed, (*list key points of the feedback; where any improvements are made these should also be included*) and in summary

- I am pleased that you have fully met the objectives set out and that your work performance has improved to the required standard. As such no further action will be taken under the Managing Work Performance policy at this stage. However, you are expected to maintain this standard of performance and I must advise you that if work performance issues are identified in the next 12 months, I may decide to escalate to the formal procedure under the Managing Work Performance policy. I attach a copy of this policy to this letter.
- I identified some improvements against the objectives set out but recognise that there is still improvement to be made namely (DETAIL). As such I have decided to extend the monitoring period by (*one/two/three*) months, by which time it is expected that you will have met the objectives set out in the (*reviewed*) action plan agreed on (DATE). I must advise you that failure to meet the required performance standards by this review date may result in escalation to the formal procedure under the Managing Work Performance policy. I attach a copy of this policy to this letter.
- I identified that you have not made sufficient improvement against the objectives set out and will now escalate this process to the formal stages of the Managing Work Performance policy. I attach a copy of this policy to this letter. I will write to you again in due course to invite you to a formal meeting in line with the policy.

As we are now in a formal procedure I would like to remind you of your right to arrange trade union or (*CCG work colleague*) representation for any subsequent formal meetings held in line with this procedure. In the meantime you may wish to consult your union for support and advice.

I asked you again whether you felt any support, training or development would assist you in this post and you stated that (DETAIL). I *agreed/ suggested* that it would be beneficial for you to (DETAIL ABOUT SUPPORT).

In the meantime, should you have any queries or concerns that you wish to raise please do not hesitate to contact me on (TELEPHONE NO EMAIL).

Yours sincerely

*Line manager*

*Job title*



Ref: MWP5/FM

Date:

Dear

**Managing work performance - invitation to formal meeting**

Further to our performance review meeting on (DATE) and subsequent confirmation letter dated (DATE OF LETTER), I write to invite you to a formal meeting in line with the Managing Work Performance policy (copy enclosed).

The meeting will be held at (TIME) on (DATE) at (LOCATION). I will chair the meeting and (INSERT NAME) from the HR team will also be in attendance (in an advisory capacity). You are entitled, if you wish, to be accompanied by a workplace colleague or a trade union representative. If you intend to be accompanied, please provide me with details of your work colleague or trade union representative at least two days in advance of the meeting date.

The purpose of the meeting is to initiate the formal stages of the Managing Work Performance procedure due to your failure to improve/ maintain the performance standards agreed with you during the informal stage of the procedure. I have enclosed the most recent copy of the performance improvement action plan which we will review at our meeting. The meeting will focus on the issues surrounding your unsatisfactory work performance and there will be an opportunity for you to raise any further issues and make suggestions. At the meeting we will agree a formal performance improvement action plan which will include specific action points and a timescale for improvement. At this stage in the procedure an outcome may be that you wish to explore the possibility of alternative duties in line with the redeployment policy (copy enclosed). We will discuss this in more detail at the meeting. Please note that should you wish to be placed on the redeployment register the managing work performance process will still continue.

I understand that this can be a difficult time and I would like to remind you that you can access the counselling service provided by our occupational health department by self-referral. I have enclosed a leaflet for your information which includes their contact details.

If you have any queries prior to the meeting or you are unable to attend, please do not hesitate to contact me on the above telephone number or e-mail address.

Yours sincerely

*Line manager, Job title*



Ref: MWP6/FM

Date:

Dear

**Managing work performance formal procedure - confirmation of formal meeting**

Thank you for attending a formal meeting in line with the Managing Work Performance policy on (DATE), at which (INSERT NAME), your workplace colleague/ trade union representative was also present. The purpose of the meeting was to discuss your performance following our informal performance review meeting on (DATE) during which I informed you that your performance had not improved sufficiently and I would be progressing the matter to the formal stage of the procedure.

*At the meeting we discussed your recent performance against the previous performance improvement action plan which was agreed during the informal stage of the procedure OR we discussed the key areas where your performance was still not at the level required of the post and we discussed the reasons why your performance was still not at the required level. I reiterated the expectations for your post and clarified your objectives.*

I again asked you if there was any underlying reason for the shortfall in performance and you explained that (DETAIL) / *that there was not. As a result we agreed to put the following measures in place to support you (delete as appropriate).*

*After detailed discussion about these objectives we agreed a formal action plan OR we amended the previous performance improvement action plan to reflect our discussions in order to support you in delivering these objectives.*

I asked whether you felt you needed any additional support, training or development to assist you in this post and you stated that (DETAIL). *I agreed/ suggested that it would be beneficial for you to (DETAIL ABOUT SUPPORT).*

We agreed that we would review your progress against *(the action plan/ your objectives)* in *(one/two/three months)*. In the meantime, we will hold *(weekly/fortnightly)* one to one supervision meetings to support you in achieving your objectives in line with the agreed timescales.

*If applicable:*

*At the meeting you requested to be placed on the redeployment register. I have enclosed a copy of the redeployment policy for your information. As discussed at the meeting the HR team will endeavour to send you vacancies/opportunities, however it remains your responsibility to also check*

*NHS jobs for suitable alternative positions. In addition, I reminded you that the option for you to be placed on the redeployment register is a supportive measure as part of the managing work performance process and should there be no suitable redeployment opportunities, this will not affect your employment status and the managing work performance process will still continue.*

Should you have any queries or concerns that you wish to raise please do not hesitate to contact me on (TELEPHONE NO, EMAIL).

Yours sincerely

*Line manager*

*Job title*



Ref: MWP7/FPR

Date:

Dear

**Managing work performance formal procedure - invitation to performance review**

Further to our meeting on (DATE) at which we discussed your performance in the role of (JOB TITLE AND BAND), I write to invite you to a performance review under the formal procedure of the Managing Work Performance policy.

The meeting will be held at (TIME) on (DATE) at (LOCATION). You are entitled, if you wish, to be accompanied by a workplace colleague or a trade union representative. If you intend to be accompanied, please provide me with details of your work colleague or trade union representative at least two days in advance of the meeting date.

The purpose of the meeting is to review your progress against the performance improvement action plan agreed at our last meeting on (DATE). I have enclosed a copy for your information.

Please be aware that a decision will be made at the meeting regarding how to proceed. The possible outcomes are no further action, an extension to the monitoring period or a hearing in line with the Managing Work Performance policy.

If you have any queries prior to the meeting or you are unable to attend, please do not hesitate to contact me on the above telephone number or e-mail address.

Yours sincerely

*Line manager*

*Job title*



Ref: MWP8/FPR

Date:

Address

Dear

Telephone  
Email address

**Managing work performance formal procedure - confirmation of performance review meeting**

Thank you for attending a formal review meeting in line with the Managing Work Performance policy on (DATE). The purpose of the meeting was to review your performance against the (*formal action plan/ objectives*) set at our meeting on (DATE) and to consider appropriate next steps.

At the meeting we discussed (*list key points of the feedback; where any improvements are made these should also be included*) in summary

- I am pleased that you have fully met the objectives set out and that your work performance has improved to the required standard. As such no further action will be taken under the Managing Work Performance policy at this stage. However, you are expected to maintain this standard of performance and I must advise you that if work performance issues are identified in the next 12 months, I may decide to return to the formal stage of the procedure under the Managing Work Performance policy. I attach a copy of this policy to this letter.
- I identified some improvements against the objectives set out but recognise that there is still improvement to be made namely (DETAIL). As such I have decided to extend the monitoring period by (*one/two/three*) months, by which time it is expected that you will have met the objectives set out in the (*reviewed*) action plan agreed on (DATE). (*DETAIL ANY ADDITIONAL SUPPORT REQUIRED DURING THE EXTENDED MONITORING PERIOD*). I must advise you that failure to meet the required performance standards by this review date may result in referral to a hearing in line with the Managing Work Performance policy. I attach a copy of this policy to this letter.
- I identified that you have not made sufficient improvement against the objectives set out and I am now referring you to a formal hearing in line with the Managing Work Performance policy where your performance issues and progress will be assessed by an independent

panel. I attach a copy of this policy to this letter. I will write to you again in due course to invite you to the hearing.

*(If not chosen to be represented before now)* I would like to remind you of your right to arrange trade union or *(CCG work colleague)* representation.

In the meantime, should you have any queries or concerns that you wish to raise please do not hesitate to contact me on (TELEPHONE NO, EMAIL).

Yours sincerely

*Line manager*

*Job title*



Ref: MWP9/FH

Date:

Dear

**Managing work performance formal procedure - invitation to hearing**

Further to our performance review meeting on (DATE) at which I informed you that your performance had not improved sufficiently and that the matter would be referred to a hearing, I write to inform you of the details.

The hearing will be held at (TIME) on (DATE) at (LOCATION).

The panel will consist of (INSERT NAME), Deputy Director who will chair the hearing, accompanied by (INSERT NAME) with HR support from (INSERT NAME). I will present the case summarising the key facts. You are entitled, if you wish, to be accompanied by a workplace colleague or a trade union representative. If you intend to be accompanied, please provide me with details of your work colleague or trade union representative at least two days in advance of the hearing date.

The hearing panel will consider the performance issues and your progress towards the agreed performance level having exhausted all avenues including being given an opportunity to improve within reasonable timescales and receiving additional training, mentoring and support. I have enclosed a copy of documents that will be referred to during the hearing which includes the hearing procedure. If you wish to submit any additional information to the panel for consideration at the hearing this must be received no later than two working days prior to the hearing.

If you or your representative is unable to attend you will need to provide reasonable notice and your reasons for being unable to attend and the hearing will be rescheduled within 10 working days of the original date, where possible. Failure to attend the hearing without a reasonable explanation may mean that it proceeds in your absence.

You should be aware that dismissal is a potential outcome of this hearing.

It is acknowledged that this can be a difficult time and I would like to remind you that you can access the counselling service provided by our occupational health department by self-referral. I have enclosed a leaflet for your information which includes their contact details.

If you have any queries prior to the meeting or you are unable to attend, please do not hesitate to contact me on the above telephone number or e-mail address.

Yours sincerely

*Panel chair*

*Job title*

cc.



Ref: MWP10/FH

Date:

Dear

**Managing work performance formal procedure - outcome of hearing**

I write to confirm the outcome of the hearing held on (DATE) in accordance with the Managing Work Performance policy at which I was advised by (INSERT NAME) (HR Representative) and you were represented/ accompanied by (INSERT NAME), your trade union representative/ workplace colleague.

I listened carefully to the presentation given by (INSERT NAME) (*line manager*) and also to the opposing case you put forward *alongside the evidence that you submitted*.

(INSERT NAME) (line manager) explained that the informal performance management process did not improve your performance to the required standard and that (DETAIL).

You did/ did not put forward any mitigating circumstances for your underperformance. (DETAIL)

- As this is the case I decided to issue a disciplinary sanction of (delete as applicable)

:

- No case to answer
- First written warning
- Final written warning
- Dismissal

In addition to the disciplinary warning issued the panel also (delete as applicable):

- instructed you to undertake further training in relation to(DETAIL)
- placed you on the redeployment register for alternative employment to be sought
- explained that based on your performance your next increment would be deferred until your performance increases to a level where your increment can be honoured.

The warning issued will remain on your personal record for *12 months/ 24 months\** from the date of the hearing.

*\*12 months for a first written warning / 24 months for a final written warning*

You have the right of appeal against this decision and should you wish to appeal please submit this in writing within 14 working days of receipt of this letter to (INSERT DETAILS)

Yours sincerely

*Panel chair*

*Job title*



Ref: MWP11/AHP

Date:

Dear

**Managing work performance formal procedure - invitation to appeal hearing panel**

Following your recent appeal against the decision made at your hearing held on (DATE) in line with the Managing Work Performance policy, I write to inform you of the date and time of the appeal hearing panel.

The panel will be held at (TIME) on (DATE) at (LOCATION).

The panel will consist of (INSERT NAME) *senior manager* who will chair the appeal hearing with HR support from (INSERT NAME). The case will be presented by (INSERT NAME). You are entitled, if you wish, to be accompanied by a workplace colleague or a staff side representative. If you intend to be accompanied, please provide me with details of your work colleague or trade union representative at least two days in advance of the hearing date.

You must provide the appeal hearing panel with a full written statement of the case, including the grounds upon which the appeal is presented and any documents you intend to use at least two working days prior to the appeal hearing. The case will be based on the original documents used at the hearing held on (DATE).

It is acknowledged that this can be a difficult time and I would like to remind you that you can access the counselling service provided by our occupational health department by self-referral. I have enclosed a leaflet for your information which includes their contact details.

If you have any queries prior to the meeting or you are unable to attend, please do not hesitate to contact me on the above telephone number or e-mail address.

Yours sincerely

*Panel chair*

*Job title*

cc. Members of the panel



Ref: MWP12/AH

Date:

Dear

**Managing work performance formal procedure - outcome of appeal hearing**

I write to confirm the outcome of the appeal hearing held on (DATE) in accordance with the Managing Work Performance policy at which I was advised by (INSERT NAME) (HR Representative) and you were represented/ accompanied by (INSERT NAME), your trade union representative/ workplace colleague.

I listened carefully to the presentation by (INSERT NAME) (*appeals manager*) and also to the opposing case you put forward *alongside the evidence that you submitted*.

You did/ did not put forward any mitigating circumstances for your underperformance. (DETAIL)

I upheld the sanction issued by/ I did not uphold the sanction issued by and *removed the sanction/ dismissed the case/issued a new sanction*.

This is the final stage of the process and the decision of the panel is binding and therefore there is no further right of appeal.

Yours sincerely

*Panel chair*

*Job title*

## Equality Impact Assessment

<b>Title of policy</b>	Managing Work Performance Policy	
<b>Names and roles of people completing the assessment</b>	Stacey Oglesby, HR Manager	
<b>Date assessment started/completed</b>	Start: 23/10/2017	Completed: 23/10/2017

1. Outline	
<b>Give a brief summary of the policy</b>	The policy provides an informal and formal staged procedure for line managers to support staff with any performance concerns in a fair and consistent approach.
<b>What outcomes do you want to achieve</b>	A clear and fair approach for line managers to follow should they have concerns with any aspect of performance from a member of staff. A policy which is supportive in nature to all members of staff.

2. Analysis of impact			
This is the core of the assessment, using the information above detail the actual or likely impact on protected groups, with consideration of the general duty to;  eliminate unlawful discrimination; advance equality of opportunity; foster good relations			
	<b>Are there any likely impacts?</b>  <b>Are any groups going to be affected differently?</b>  <b>Please describe.</b>	<b>Are these negative or positive?</b>	<b>What action will be taken to address any negative impacts or enhance positive ones?</b>
<b>Age</b>	No		Review undertaken no impact
<b>Carers</b>	Staff who have caring responsibilities may have more time away from the workplace which may impact on their performance.	Negative if not managed properly	A specific 'leave' policy to support staff with caring responsibilities. Every member of staff will be dealt with individually and should mitigation be submitted by the employee this will be considered by the line

			manager.
<b>Disability</b>	Yes, disabled staff may potentially experience a higher sickness absence rate or may not be able to perform their role to its full capacity due to an impairment.	Negative if not managed properly	<p>A separate 'Absence' policy will be put in place to support staff with a disability.</p> <p>Every member of staff will be dealt with individually and should mitigation be submitted by the employee this will be considered by the line manager including a referral to Occupational Health.</p> <p>In those circumstance reasonable adjustments would be considered and implemented.</p>
<b>Sex</b>	No		Review undertaken no impact
<b>Race</b>	No		Review undertaken no impact
<b>Religion or belief</b>	No		Review undertaken no impact
<b>Sexual orientation</b>	No		Review undertaken no impact
<b>Gender reassignment</b>	No		Review undertaken no impact
<b>Pregnancy and maternity</b>	No		Review undertaken no impact
<b>Marriage and civil partnership</b>	No		Review undertaken no impact
<b>Other relevant group</b>	No		Review undertaken no impact
<b>If any negative/positive impacts were identified are they valid, legal and/or</b>		This policy makes all reasonable provision to ensure equity of access to all employees. Measures have been	

<p><b>justifiable?</b> <b>Please detail.</b></p>	<p>identified and will be taken where there is a potential disadvantage to groups with a protected characteristic. These are in line with Equality best practice.</p>
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4. Monitoring, Review and Publication			
<p><b>How will you review/monitor the impact and effectiveness of your actions</b></p>	<p>The policy takes into account for individual circumstances and makes reasonable adjustment for staff who are carers and those with a disability. Line manager training will be in place once policy has been ratified to ensure equity in application to these protected groups.</p>		
<p><b>Lead Officer</b></p>	<p>John Scott, Head of People, OD and Office Services</p>	<p><b>Review date:</b></p>	<p>July 2022</p>

5. Sign off			
<p><b>Lead Officer</b></p>	<p>John Scott, Head of People, OD and Office Services</p>		
<p><b>Director</b></p>	<p>Sabrina Armstrong, Executive Director of Corporate Services</p>	<p><b>Date approved:</b></p>	<p>09/07/2018</p>