

## MANAGING PERFORMANCE AT WORK POLICY

**April 2018**

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## POLICY AMENDMENTS

Amendments to the policy will be issued from time to time. A new amendment history will be issued with each change.

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## 1 INTRODUCTION

- 1.1 NHS Vale of York Clinical Commissioning Group (the CCG) acknowledges that the vast majority of employees perform their duties to a satisfactory level. However, it also recognises the importance of effectively managing problems of unsatisfactory work performance and that it is not generally appropriate to treat such problems as disciplinary issues.

## 2 ENGAGEMENT

- Joint Trade Union Partnership Forum/Policy Development Group
- VoY CCG staff via team meetings/team brief/internet

## 3 IMPACT ANALYSES

### 3.1 Equality

In applying this policy, the CCG will have due regard to 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, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

An Equality Impact Assessment is attached at **Appendix 1**. This highlights that there is the potential for issues relating to performance arising out of a disability and this is specifically covered in paragraph 5.2 of the policy.

Particular attention is drawn for importance of ensuring that this policy is applied fairly and consistently and that any individual who is concerned about how the policy is applied to their circumstances, i.e. where they possess a protected characteristic, is aware of their right to raise a grievance in line with paragraph 5.16.

### 3.2 Sustainability

A Sustainability Impact Assessment has been completed for this policy and is attached at **Appendix 2**. At this stage, no impact has been identified on the policy or procedure.

### 3.3 Bribery Act 2010

The Bribery Act is particularly relevant to this policy. Under the Bribery Act it is a criminal offence to :

- Bribe another person by offering, promising or giving a financial or other advantage to induce them to perform improperly a relevant function or activity, or as a reward for already having done so; and
- Be bribed by another person by requesting, agreeing to receive or accepting a financial or other advantage with the intention that a relevant

function or activity would then be performed improperly, or as a reward for having already done so.

These offences can be committed directly or by and through a third person and other related policies and documentation (as detailed on the CCG intranet) when considering whether to offer or accept gifts and hospitality and/or other incentives.

Anyone with concerns or reasonably held suspicions about potentially fraudulent activity or practice should refer to the Local Anti-Fraud and Corruption Policy and contact the Local Counter Fraud Specialist.

## **4 SCOPE**

- 4.1 This policy applies to employees working within the CCG, including employees from other organisations working on CCG premises.
- 4.2 This policy applies to all CCG employees with the exception of employees during their probationary period, where the probationary policy should apply. If there is no probationary policy in place, managers should ensure that new employees have clear objectives set and that their performance is reviewed regularly.
- 4.3 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

## **5 POLICY PURPOSE AND AIMS**

- 5.1 During employment, adequate training, support and encouragement are essential to help achieve satisfactory performance. This will mean that regular discussions about performance will take place between employees and their managers. During these discussions managers will ensure that employees are clear on the performance expected of them and will coach and develop employees to achieve their objectives. This could involve setting performance or behavioural targets for employees in an attempt to encourage improvements, without the recourse to formal procedures.

Equally, employees themselves have a responsibility for their individual performance and to recognising their role in the overall performance of their team and the wider organisation. Employees must demonstrate that they are committed to achieving and maintaining the performance standards defined for them.

- 5.2 Where the performance of an employee is affected by a disability, as defined in accordance with the Equality Act 2010, reasonable adjustments will be considered in any aspect of work arrangements to support the employee in

their performance at work. Advice should be sought from occupational health and a workforce representative in relation to reasonable adjustments that may be required. Where appropriate, reference should also be made to the Absence Management policy.

- 5.3 Managers with responsibilities for performance management will receive the appropriate training to help them understand their role and manage performance effectively. This will include information on the objectives of performance management and how this process will operate, as part of the CCG appraisal process.
- 5.4 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, see **Appendix 12** for guidance. If these issues are persistent, line managers should refer to the informal stage of this procedure.
- 5.5 Any conflicts of interest, declared or not declared, which are perceived to be impacting on an employee's performance will be dealt with under the Disciplinary Policy.

## **6 REDUCING THE RISK OF UNSATISFACTORY PERFORMANCE**

The following management practices are central to avoiding a number of performance problems :

- Effective recruitment and selection including a comprehensive induction programme. This must include a discussion of the job description to ensure that it accurately reflects the main purpose and scope of the role. This will ensure that employees fully understand what is expected of them and will help structure their expectations of the job. The CCG's induction checklist should also be completed within 8 weeks of an employee joining the organisation.
- Ensure Performance Appraisal Reviews are conducted on a regular basis.
- Effective job design and workload management.

## **7 ROLES / RESPONSIBILITIES / DUTIES**

### **7.1 Manager responsibilities**

Line managers have an important role to play in the management of performance. The key responsibilities for managers include :

- To ensure that they are familiar with the Managing Work Performance Policy and their obligations in relation to the policy
- To communicate appropriately with staff when managing work performance issues
- To ensure that all discussions during this process are fair, appropriate and above reproach

- Dealing with any actions in a timely manner when dealing with work performance issues
- Maintain accurate records of all meetings when dealing with work performance issues
- Maintain confidentiality at all times
- Attend any CCG training provided on policy updates
- Identify a 'nominated deputy' for staff to during periods of annual leave/out of the office/non-working time and communicate this to staff.

## 7.2 Employee Responsibilities

Employees are expected to:

- Have a responsibility for their individual performance
- Recognising their role in the overall performance of their team and the wider organisation
- Effectively participate in the Performance Appraisal Process
- Demonstrate that they are committed to achieving and maintaining the performance standards defined for them.

## 7.3 eMBED Workforce Team Responsibilities

The eMBED Workforce Team will:

- Provide support and guidance (See Appendix 12 for further guidance)
- Ensure that all legislative requirements are adhered to, including compliance with all aspects of the Managing Work Performance Policy and Procedure
- Ensure that cases are dealt with in a fair and consistent manner.

## **8 IMPLEMENTATION**

8.1 This policy will be communicated to staff via team meetings/team brief and will be available for staff on the internet.

8.2 Breaches of this policy may be investigated and may result in the matter being treated as a disciplinary offence under the CCG's disciplinary procedure.

## **9 TRAINING AND AWARENESS**

9.1 A copy of the policy will be available on the CCG internet. Training needs will be identified via the appraisal process and training needs analysis.

## 10 MONITORING AND AUDIT

- 10.1 The implementation of this policy will be audited on an annual basis by the CCG and reported to CCG Governing Body.

## 11 POLICY REVIEW

- 11.1 The policy and procedure will be reviewed after 4 years for the CCG Governing Body in conjunction with Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

## 12 REFERENCES

- 12.1 This policy should be read in conjunction with other relevant CCG policies, which are available on the internet.

## 13 SCHEME OF DELEGATION

This table details who has the appropriate authority to deal with each stage of the procedure.

Informal procedure	Line Manager or equivalent level manager from elsewhere within the CCG
Formal procedure	Line manager or equivalent level manager from elsewhere within the CCG and a Workforce Representative
Appeal following formal procedure	Line Manager's manager or Manager who has not previously been involved or implicated and a Workforce Representative
Final Review Hearing	Chaired by a Senior Manager with delegated authority who has not previously been involved or implicated and a Workforce representative
Appeal against dismissal	Chaired by a Lay/GP Member of the Governing Body plus Chief Officer/Senior Manager who has not previously been involved, and a Workforce representative

## **14 PART 2 - PROCEDURE**

### **1 Introduction**

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 see the Disciplinary Policy and the Management of Attendance Policy and seek workforce advice where necessary).

Every attempt should be made to ensure that any employee targets and timescales set are a reasonable expectation and are agreed between the line manager and employee. Where this agreement cannot be reached, it may be necessary for management to set the target that the employee is reasonably expected to meet within the timescale.

In exceptional circumstances, 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, temporary redeployment (where available) or suspension on full pay may be considered pending a referral to occupational health and/or a managing work performance meeting.

Advice must be sought from a workforce representative prior to contacting the employee where temporary redeployment or suspension is a possibility. The reason for temporary redeployment or suspension will be confirmed in writing to the employee. Such a transfer or suspension is precautionary, does not constitute a sanction and will not prejudice the outcome of any potential meeting or hearing in line with this policy.

If the employee is a trade union representative, notification should be made to a senior trade union representative or full time official as early as possible once it is acknowledged that the formal stages of the procedure are to be implemented. This notification should only occur however with the agreement of the trade union representative (employee) whose performance is in question.

Employees are required to attend all meetings related to this process. If they, or their companion, are unable to attend the arranged meeting, they must give notice and reasons why they are unable to attend. The meeting will then be rescheduled to a mutually convenient time, within 10 working days of the original date wherever possible. However, where an employee fails to attend such meetings without reasonable grounds, or where meetings are repeatedly rescheduled due to issues with an employee or companion availability, then the meeting may be held in their absence. The employee will be informed of this in writing.

All attendees of meetings are required to turn off any electronic devices to avoid unnecessary interruptions during the meeting, and the CCG expressly forbids the recording of such meetings unless this is specifically agreed in advance of the meeting.

If at any stage in the procedure after a performance review meeting an employee fails to maintain the required standard of work performance within 12 months of that

meeting, the manager withholds the right to return to the relevant state of the procedure.

The employee will have the right of appeal against any warning or sanction issued in the formal stages of the procedure. Please refer to PART 2 – Section 1.4 Appeals.

At all stages of the procedure employees should be reminded of the availability of counselling support. This can be accessed through the occupational health service. Further details are available from the workforce team.

Any complaints arising from the application of this procedure should be addressed in line with the CCG's Grievance procedure.

## **2 Right to be accompanied**

Employees are entitled to be accompanied at all formal meetings under this procedure, by a trade union representative or CCG work colleague.

If the employee has been requested to attend a hearing they must inform the chair of the panel of their chosen companion at least two days in advance of the hearing.

The employee may not insist on being accompanied by a colleague whose presence (in the view of the CCG) would prejudice the meeting or who might have a conflict of interest.

Employees do not have the right to be accompanied by an individual acting in a legal capacity. Should there be any dispute regarding the chosen companion that cannot be resolved, the matter will be escalated to an eMBED HR Business Partner.

## **3 Procedure for Dealing with Performance Issues**

In the course of normal day-to-day activity Line Managers may have occasion to speak to staff concerning work which has not been produced to an acceptable standard. Such interaction does not, in itself, constitute Stage 1 within this Policy and Procedure. Should the problem persist, consideration shall, however, be given as to whether it will be addressed more effectively by means of entering the following Procedure.

It will be normal practice to enter the Procedure at Stage 1. However, dependent upon the nature of the problem, Managers have discretion to re-enter the Procedure should an employee's performance become unsatisfactory again, following formal management, within a reasonable timescale. Therefore, for example, should an employee have been seen under a Stage 2 meeting and concerns arise again six months later, although a decision may be taken to return to Stage 1, the option also exists to repeat a Stage 2 discussion or proceed to Stage 3. It is stressed, however, that the judgement concerning action under this provision will be made on a case by case basis, and **must** include prior discussion with the eMBED Workforce Team.

Attention is also drawn to Section 1.2, concerning the provision of commencing the process at Stage 2 in more serious cases of unsatisfactory performance, and to Section 1.5 relating to Extreme Performance Issues.

### **3.1 Stage 1 - Informal Stage**

Where possible the manager should have a brief discussion with the employee so that they are aware of the situation, and to ensure that a letter inviting them to the Stage 1 meeting does not come as a surprise.

The Manager must then write to the employee asking them to attend a meeting for discussion about their work performance. The letter must give the employee a minimum of seven calendar days' notice of the meeting, confirm that the meeting is being held under Stage 1 of the Policy and Procedure, and contain bullet points of the concerns to be discussed (see **Appendix 4** for template).

The key elements of the discussion at Stage 1 should be to :

#### **Identify the problem**

In the meeting the Manager must clearly make known the performance expectations; and assist the employee in recognising and acknowledging the unsatisfactory performance by providing clear evidence of situations or examples of pieces of work, in respect of which the employee's performance is not considered to be satisfactory.

#### **Listen to the employee's response**

The Manager must listen sympathetically whilst giving the employee a full opportunity to explain. If relevant the possibility of health/personal problems impacting upon the employee's performance should be explored.

If the problem causing performance difficulties may be the employee's Manager the employee (or a representative) must raise this issue with the eMBED Workforce Team prior to the meeting. An eMBED Workforce representative will discuss the concerns with the Manager involved and work with both parties to reach an acceptable solution.

#### **Identify difficulties**

The discussion must identify any difficulties in achieving the required performance levels and should explore all the options available.

#### **Identify the support required**

The training, support or other resources required by employees must be identified, e.g. this may include appointing a mentor. If health/personal problems are of relevance then appropriate support e.g. Occupational Health must be utilised.

#### **Identify (and where possible) agree learning objectives**

Realistic and achievable objectives must be clearly set by the Manager and where possible be agreed with the employee. This must include the timescales during which time the employee will be monitored. If a mentor has been appointed, s/he should be included in the objective setting process (and the setting of timescales). (See **Appendix 12** for guidance).

### **Document the meeting**

A record of this meeting must be kept by summarising the discussion in a letter (see **Appendix 5** for example).

A date will be set typically 6-8 weeks ahead for a review meeting (see Section 4 on Timescales). Every effort must be made to explore positive means of improving performance; the employee must also be informed of the possible consequences of failing to reach these standards i.e. a move to Stage 2.

During the monitoring period the Manager will be expected to meet with the employee on a regular basis to assess progress and the support required. Where a mentor/coach has been appointed they should provide feedback to these meetings.

Managers must familiarise themselves with Section 3 in relation to record keeping requirements. **Appendix 13** provides a checklist to assist Managers in complying with the Procedure.

#### **3.1.1 Review under Stage 1**

Whilst the date for the review meeting will have been set at the time of the original Stage 1 meeting, the Manager must confirm at least seven calendar days before this meeting, the date, time and reason for the meeting. The review meeting will cover all the issues and concerns discussed at the Stage 1 meeting, and any new issues and concerns that have arisen since. Consideration must be given to how successful the support process has been during the monitoring period. If this process has not been fulfilled a further monitoring period (4-6 weeks maximum) will be scheduled, giving reasonable time for the support process to be concluded.

There will be one of three outcomes from this meeting :

- Performance has improved to the required standard – in which case written confirmation must be sent to the employee, recognising their efforts and explaining that improvements need to be maintained, and what happens if there is underperformance in the following 12 months (standard letter at Appendix 4);
- Performance has improved slightly but has not yet reached the required standard – in which case a further period of monitoring of 4-6 weeks will be scheduled (standard letter at Appendix 4);
- Performance has not improved and the case will progress to Stage 2 (standard letter at **Appendix 6**).

If, following successful achievement of the required standard, there is subsequently underperformance and it is clear that the employee is capable of working at the required level, consideration must be given to invoking the Disciplinary Policy and Procedure.

#### **3.2.1 Stage 2 - Formal Stage**

**IT IS EMPHASISED THAT THERE IS A REQUIREMENT FOR eMBED WORKFORCE PRESENCE FROM THIS STAGE OF THE PROCEDURE ONWARDS, AND THE EMPLOYEE IS ENTITLED TO REPRESENTATION.**

In addition to being used following a Stage 1 meeting and review, Stage 2 may also be used for more serious cases of unsatisfactory performance as the first stage of the discussion. An example of this would be where under-performance is having a significant impact on patient safety/service effectiveness.

The Manager must write to the employee asking them to attend a meeting for further discussion about their work performance. The letter must give the employee a minimum of seven calendar days' notice of the meeting and contain :

- A reference to the previous Stage 1 discussion where appropriate;
- Confirmation that the meeting is under Stage 2 of the Procedure;
- Information on who will be present and the employee's right to representation;
- A summary of the main points for discussion.

**See Appendix 7 for template.**

At this meeting the principles of the Stage 1 meeting should be adhered to i.e. the Manager must re-state the facts to date and the employee must be given every opportunity to explain the reasons for their continuing unsatisfactory performance. The meeting will require careful handling and Managers will obviously need to explore what further possible action could be taken to help the employee improve their performance.

The discussion must be documented to the employee by a letter from the Manager, covering the following points :

- What the problem is;
- An explanation of the standards of performance expected;
- The training/learning needs identified and what training/learning opportunities will be provided;
- What other assistance will be given e.g. supervision/mentoring;
- The period of time allowed for the improvement to take place (during which the employee will be monitored) and the date the situation will be reviewed, which would normally be in 6-8 weeks' time;
- Consequences of not improving i.e. a move to Stage 3.

**See Appendix 8 for template.**

See Section 3 for record keeping requirements.

During the monitoring period the Manager will be expected to meet with the employee on a regular basis to assess progress and the support required. If a mentor/coach has been appointed, their feedback should be included in the meetings.

### **3.2.1 Review under Stage 2**

If at the end of the monitoring period (usually 6-8 weeks) the employee has reached the required standard of performance, then no further action need be taken and this fact must be confirmed in writing with the employee. This must include a reference to what will happen if the standard should then fall again (see Section 1.3). If the standard of performance is still unsatisfactory, then the employee must be advised of this and consideration made of the possible next steps, i.e. this could be an extension to the monitoring period under Stage 2 (usually 4 weeks maximum) or a move to Stage 3 or alternatively redeployment, where applicable, however it must be recognised that opportunities for redeployment may be limited (see **Appendix 9** for template).

### **3.2.2 Stage 3**

**IT MUST BE NOTED THAT FROM THIS POINT IN THE PROCEDURE ONWARDS, THERE IS A REQUIREMENT FOR MANAGERIAL AND eMBED WORKFORCE INPUT TO BE PROVIDED BY PERSONS WHO HAVE NOT HAD ANY PREVIOUS INVOLVEMENT. WHEREVER POSSIBLE, THE NOMINATED MANAGER MUST HAVE A WORKING KNOWLEDGE OF THE EMPLOYEE'S DEPARTMENT AND DUTIES/RESPONSIBILITIES.**

The Manager must write to the employee asking them to attend a meeting for discussion about their work performance. The letter must give the employee a minimum of seven calendar days' notice of the meeting and contain :

- A reference to the previous Stage 1 meeting where appropriate, and/or Stage 2 discussion;
- Confirmation that the meeting is under Stage 3 of the Procedure;
- Information on who will be present and the employee's right to representation;
- A summary of the main points for discussion.

**See Appendix 10 for template.**

The Manager must re-state the facts of the case to date and specify the employee's shortcomings in relation to their performance. The employee must be given every opportunity to explain their position and offer any relevant mitigating circumstances. The Manager and where appropriate a member of the eMBED Workforce department who have been involved in stages 1 and 2 may be required to present the facts of the case. The eMBED Workforce representative who has been involved in the previous stages may assist the Manager in presenting the case. The Manager would be expected to provide a written statement on the case which would be circulated in advance of the hearing.

As before, the discussion must be open, constructive, supportive and genuinely seeking to resolve the problem. The purpose of the discussion at this stage is as set out in Stage 1, but in addition the employee must be advised that one possible outcome of the process could be that of the termination of their employment.

Options for consideration will be :

- A continuation of the monitoring process with a further review date (usually 6-8 weeks maximum). This must only happen if there is a reasonable expectation that additional time will result in such an improvement that the required standards can all be met. During the monitoring period the Manager will be expected to meet with the employee on a regular basis to assess progress and the support required. Feedback from a mentor/coach (if appointed) will be used in these meetings. If there is no reasonable expectation that the required standards can be met, a further monitoring period will not be used, and the employee will be subject to dismissal (see paragraphs below for process).

### **3.3.1 Review of Stage 3**

If at the end of the monitoring period the employee has reached the required standard no further action will be taken other than a return to normal monitoring as with all staff. This must be confirmed in writing by the Manager to the employee, at which time reference will also be made to the fact that should the improved performance not be maintained over a 12 reasonable period of time, consideration will be given to re-entering the Procedure, see Continuity of Process below.

If at the end of the monitoring period, the employee has not performed to the required standard, the employee will be told that there are grounds for them to be dismissed due to incapability because of unsatisfactory performance.

**IT MUST BE NOTED THAT THE MANAGEMENT LEVELS AT WHICH THIS COURSE OF ACTION CAN BE TAKEN WILL REFLECT THE ARRANGEMENTS SET OUT IN THE CCG'S SCHEME OF DELEGATION.**

Following confirmation of grounds for dismissal then an adjournment will take place to consider whether there are any further opportunities available within the CCG e.g. via redeployment or downgrading. Refer to the CCG Redeployment Policy for guidance and further information.

Such options are dependent upon the availability of a post more suitable to the employee's capabilities. The CCG's Pay Protection Arrangements will not apply in such circumstances.

It must be noted that should either redeployment or downgrading be offered, this would be as a variation to contract i.e. the ending of the current contract (without normal notice period), and the offering of a new contract. The employee will be given 7 calendar days to decide whether they wish to accept such a variation to their contract.

Where any of the above options impacts upon an employee's professional registration, it must be made clear to the employee as to what the consequences will be e.g. the professional body will be notified, which may then result in an investigation by the professional body.

The content and outcome of the discussion must be confirmed in writing, by a letter from the Manager to the employee (see **Appendix 11** for template).

At the meeting the Manager invites the employee or his/her representative to respond to the findings of the Manager. Any evidence to be considered at the hearing should be circulated in advance of the hearing.

### **Continuity of Process**

Where an employee who is being dealt with under this procedure improves their performance to an acceptable level and the Manager decides not to take further action, subsequent deterioration in the employee's performance within 12 months need not lead the Manager to start the process from the beginning. If any deterioration does occur within this period, a review meeting will be held to identify the reasons for the deterioration and the appropriate stage of the procedure for the action to recommence. In such cases advice must be sought from the eMBED Workforce team.

If there is evidence to suggest that the employee has been able to improve their performance and the deterioration is merely due to lack of effort, then it may be more appropriate to use the Disciplinary Policy and Procedure. Managers must seek advice from the YHCS Workforce team in such circumstances.

### **3.3 Appeals**

An employee dismissed under the provisions of this Procedure is entitled to appeal against the decision, as set out within the CCG's Disciplinary Policy and Procedure. It should be noted that where an employee has agreed to a variation in their contract e.g. either redeployment or downgrading to another post, as they have agreed to this, there is no appeal mechanism against this change in contract.

### **3.4 Extreme Performance Issues**

There may be extreme circumstances under which the consequences of an employee's unsatisfactory performance are such that Stages 1 and 2 are inappropriate. Such consequences may include, for example :

- Significant financial loss to the CCG;
- Serious legal liability for the CCG;
- An adverse effect on the public image of and confidence in the CCG.

Under these circumstances, it may be appropriate to suspend an employee and consider moving immediately to a Stage 3 discussion. **However, before a judgement is made to adopt such courses of action, prior discussion must take place with the eMBED Workforce team.**

## **4 Representation**

An employee must be made aware of their right to representation throughout the procedure, either by a trade union representative or by a work colleague not acting in a legal capacity at Stages 2 and 3 of the Procedure. In addition, should an employee wish to be accompanied at Stage 1 they should advise their manager of this, and the manager will then be supported by an eMBED Workforce representative at the meeting.

## **5 Record Keeping**

During the period of time that an issue is being addressed through the application of this Policy and Procedure, attention is drawn to the requirements for, at all Stages, a written request to an employee to attend a meeting and at all Stages for discussions to be recorded on file and a copy given to the employee. The Manager is responsible for ensuring that copies of all letters, both invites to meetings, and those recording the outcome of meetings; copies of any other evidence documenting examples of lack of competence, or the support provided to assist the employee; are kept in one file. This file must be passed from one Manager to the next at each Stage, and a copy given to the Workforce Team when they are involved.

All letters must be on headed paper and signed, including the copies that go on file, to union representatives and to the Workforce Team. Any file notes e.g. observations/assessments from colleagues/mentors must be dated and signed, with the name of the author printed clearly. See **Appendix 12** for further guidance.

In the event of the unsatisfactory performance having improved to the extent that no further action will be taken, other than a return to normal monitoring as with all employees, it is important that a record is placed on the employee's personal file. Unless such a record is maintained, the consistent handling of performance issues will be impracticable. This is particularly important where employees hold rotational posts – the personal file must follow the employee.

## **6 Timescales**

All timescales attached to monitoring periods reflect the maximum time it is expected that employees will require to demonstrate improved performance. In exceptional circumstances e.g. a significant period of absence, these timescales may be increased, this should only be after discussion of the reasoning with the eMBED Workforce team.

## **7 Deferral of Pay Progression**

Where significant weaknesses in performance have been identified and discussed and documented with the employee, pay progression may be deferred at any pay point until the problems are resolved. Refer to the Agenda for Change Handbook for further details.

15 APPENDIX 1 : EQUALITY IMPACT ANALYSIS

<b>1. Equality Impact Analysis</b>									
<b>Policy / Project / Function:</b>	Managing Work Performance Policy								
<b>Date of Analysis:</b>	02.02.15								
<b>This Equality Impact Analysis was completed by: (Name and Department)</b>	Workforce Service								
<b>What are the aims and intended effects of this policy, project or function ?</b>	<ul style="list-style-type: none"> <li>• The Clinical Commissioning Group (CCG) has the right and responsibility to establish its requirements in standards of work to be achieved by its employees, so long as these are realistic and clearly defined. In order to fulfil this responsibility the CCG will ensure that individual employees' work is monitored fairly.</li> <li>• The CCG is committed to valuing all of its employees and will encourage them, through guidance, training and development, to perform in their role on a consistent basis. Where there is an identified failure in performance, the CCG will, as part of the process of encouragement and support, discuss with the employee the reasons giving rise to that situation. Formal action in line with the principles and procedure outlined below may follow if the employee fails to meet the agreed performance levels.</li> </ul>								
<b>Please list any other policies that are related to or referred to as part of this analysis?</b>	<ul style="list-style-type: none"> <li>• CCG Absence Management Policy</li> <li>• CCG Disciplinary Policy</li> <li>• CCG Redeployment Policy</li> <li>• CCG Induction and Probationary Periods Policy</li> </ul>								
<b>Who does the policy, project or function affect ?</b>  Please Tick ✓	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px 5px;">Employees</td> <td style="text-align: right; padding: 2px 5px;"><input checked="" type="checkbox"/></td> </tr> <tr> <td style="padding: 2px 5px;">Service Users</td> <td style="text-align: right; padding: 2px 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 2px 5px;">Members of the Public</td> <td style="text-align: right; padding: 2px 5px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 2px 5px;">Other (List Below)</td> <td style="text-align: right; padding: 2px 5px;"><input type="checkbox"/></td> </tr> </table>	Employees	<input checked="" type="checkbox"/>	Service Users	<input type="checkbox"/>	Members of the Public	<input type="checkbox"/>	Other (List Below)	<input type="checkbox"/>
Employees	<input checked="" type="checkbox"/>								
Service Users	<input type="checkbox"/>								
Members of the Public	<input type="checkbox"/>								
Other (List Below)	<input type="checkbox"/>								

## 2. Equality Impact Analysis: Screening

	Could this policy have a positive impact on...		Could this policy have a negative impact on...		Is there any evidence which already exists from previous (e.g. from previous engagement) to evidence this impact
	Yes	No	Yes	No	
<b>Race</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Review undertaken no impact
<b>Age</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Review undertaken no impact
<b>Sexual Orientation</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Review undertaken no impact
<b>Disabled People</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Para 5.2 specifically mentions issues of performance arising out of disability (Equality Act 2010). 0% of staff have declared a disability.</p> <p>In Yorkshire and Humber the population statistics are:</p> <p>Day-to-Day Activities Limited a Lot 8.43%</p> <p>Day-to-Day Activities Limited a Little 9.92%</p> <p>Day-to-Day Activities Not Limited 81.65%</p> <p>In terms of national data:</p> <p>National evidence is that 'Disabled people are significantly more likely to experience unfair treatment at work than non-disabled people. In 2008, 19 per cent of disabled people experienced unfair treatment at work compared to 13 per cent of non-disabled people' (source: Office for Disability issues)</p>
<b>Gender</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Review undertaken no impact
<b>Transgender People</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Review undertaken no impact
<b>Pregnancy and Maternity</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Review undertaken no impact

<b>Marital Status</b>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓ <input type="checkbox"/>	Review undertaken no impact
<b>Religion and Belief</b>	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	Review undertaken no impact
<b>Reasoning</b>	<p>Para 5.2 specifically mentions issues of performance arising out of disability (Equality Act 2010) – positive impact. Makes all reasonable provision to ensure equity of access to all staff. However any review of the policy should cover how it has been applied and not just its intention.</p>				
<b>If there is no positive or negative impact on any of the Nine Protected Characteristics go to Section 7</b>					

### 3. Equality Impact Analysis: Local Profile Data

Local Profile/Demography of the Groups affected (population figures) as at January 2015	
<b>General</b>	Total number of employees in the CCG is 61
<b>Age</b>	73.76% of staff are aged 30-55 16.4% of staff are aged over 55 9.84% of staff are under 30
<b>Race</b>	86.88% of staff employed in the CCG declared themselves White 6.56% of staff have declared themselves Asian 3.28% have not stated their ethnicity 1.64% have declared themselves Black 1.64% have declared themselves Mixed
<b>Sex</b>	59.02% of staff employed are female 40.98% of staff employed are male
<b>Gender reassignment</b>	No information as yet
<b>Disability</b>	86.88% of staff employed declared themselves as having no disability 9.84% of staff did not declare 3.28% of staff declared a disability
<b>Sexual Orientation</b>	72.12% of staff described themselves as heterosexual 24.6% did not wish to respond / undefined 3.28% of staff described themselves as gay
<b>Religion, faith and belief</b>	Christianity is the largest religious group declared by staff in the CCG (37.69%) 36.07% were undefined or did not wish to declare 16.4% of staff declared themselves as Atheist 4.92% of staff declared themselves as 'Other' 3.28% of staff's religion is Islam 1.64% of staff's religion is Hinduism
<b>Marriage and civil partnership</b>	68.85% of employees are married 24.59% of employees are single/ Widowed/ Divorced 3.28% of staff are in a civil partnership 3.28% of employees have not declared
<b>Pregnancy and maternity</b>	No information yet as the CCG has not been established long enough to build meaningful data

### 4. Equality Impact Analysis: Equality Data Available

<b>Is any Equality Data available relating to the use or implementation of this policy, project or function?</b> Equality data is internal or external	Yes <input checked="" type="checkbox"/>
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<p>information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as '<i>Equality Groups</i>'.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> <li>1. Application success rates <i>Equality Groups</i></li> <li>2. Complaints by <i>Equality Groups</i></li> <li>3. Service usage and withdrawal of services by <i>Equality Groups</i></li> <li>4. Grievances or decisions upheld and dismissed by <i>Equality Groups</i></li> <li>5. <i>Previous EIAs</i></li> </ol>	<p>No <input type="checkbox"/></p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document).</p>
<p><b>List any Consultation e.g. with employees, service users, Unions or members of the public that has taken place in the development or implementation of this policy, project or function</b></p>	<p>eMBED's including local partnership forums Management / Staff Side National CSU Partnership Forum</p>
<p><b>Promoting Inclusivity</b> <b>How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation</b></p>	<p>This Policy does not directly promote inclusivity, but sets out a framework to manage performance in a fair and consistent manner</p>

### 5. Equality Impact Analysis: Assessment Test

What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists
<b>Gender</b> (Men and Women)	✓			Review undertaken no impact
<b>Race</b> (All Racial Groups)	✓			Review undertaken no impact
<b>Disability</b> (Mental and Physical)				Para 5.2 specifically mentions issues of performance arising out of disability (Equality Act 2010). 0% of staff have declared a disability However, the CCG views that consideration should be given to staff who may become disabled and/or employees who are recruited with disabilities in the future (ref local population data)
<b>Religion or Belief</b>	✓			Review undertaken no impact
<b>Sexual Orientation</b> (Heterosexual, Homosexual and Bisexual)	✓			Review undertaken no impact

What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists
<b>Pregnancy and Maternity</b>	✓			Review undertaken no impact
<b>Transgender</b>	✓			Review undertaken no impact
<b>Marital Status</b>	✓			Review undertaken no impact
<b>Age</b>	✓			Review undertaken no impact

**6. Action Planning**

**As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?**

<b>Identified Risk:</b>	<b>Recommended Actions:</b>	<b>Responsible Lead:</b>	<b>Completion Date:</b>	<b>Review Date:</b>
No identified risks, however equal application is essential	Monitoring the use of the policy	Workforce Manager	Review after 1 year	Annually

## 7. Equality Impact Analysis Findings

<b>Analysis Rating:</b>	<input type="checkbox"/> Red	<input type="checkbox"/> Red/Amber	<input type="checkbox"/> Amber	<input checked="" type="checkbox"/> Green
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		Actions	Wording for Policy / Project / Function
<b>Red</b> <b>Stop and remove the policy</b>	<b>Red:</b> As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . It is recommended that the use of the policy be suspended until further work or analysis is performed.	<p><b>Remove the policy</b></p> <p>Complete the action plan above to identify the areas of discrimination and the work or actions which needs to be carried out to minimise the risk of discrimination.</p>	No wording needed as policy is being removed
<b>Red Amber</b> <b>Continue the policy</b>	As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . However, a genuine determining reason may exist that could legitimise or justify the use of this policy and further professional advice should be taken.	<p><b>The policy can be published with the EIA</b></p> <p>List the justification of the discrimination and source the evidence (i.e. clinical need as advised by NICE).</p> <p>Consider if there are any potential actions which would reduce the risk of discrimination.</p> <p>Another EIA must be completed if the policy is changed, reviewed or if further discrimination is identified at a later date.</p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i>. However, a genuine determining reason exists which justifies the use of this policy and further professional advice.</p> <p><b><i>[Insert what the discrimination is and the justification of the discrimination plus any actions which could help what reduce the risk]</i></b></p>

**Equality Impact Findings (continued):**

		Actions	Wording for Policy / Project / Function
<p><b>Amber</b></p> <p><b>Adjust the Policy</b></p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p>	<p><b>The policy can be published with the EIA</b></p> <p>The policy can still be published but the Action Plan must be monitored to ensure that work is being carried out to remove or reduce the discrimination.</p> <p>Any changes identified and made to the service/policy/ strategy etc. should be included in the policy.</p> <p>Another EIA must be completed if the policy is changed, reviewed or if further discrimination is identified at a later date.</p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p> <p><b><i>[Insert what the discrimination is and what work will be carried out to reduce/eliminate the risk]</i></b></p>
<p><b>Green</b></p> <p><b>No major change</b></p>	<p>As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>	<p><b>The policy can be published with the EIA</b></p> <p>Another EIA must be completed if the policy is changed, reviewed or if any discrimination is identified at a later date</p>	<p>As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>

<b>Brief Summary/Further comments</b>	<p>This analysis highlights that there is the potential for issues relating to performance to arise out of a disability and this is specifically covered in paragraph 5.2 of the policy.</p>
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<b>Approved By</b>		
Job Title:	Name:	Date:

## 16 APPENDIX 2 : SUSTAINABILITY IMPACT ASSESSMENT

Staff preparing a policy, Governing Body (or Sub-Committee) report, service development or project are required to complete a Sustainability Impact Assessment (SIA). The purpose of this SIA is to record any positive or negative impacts that this is likely to have on sustainability.

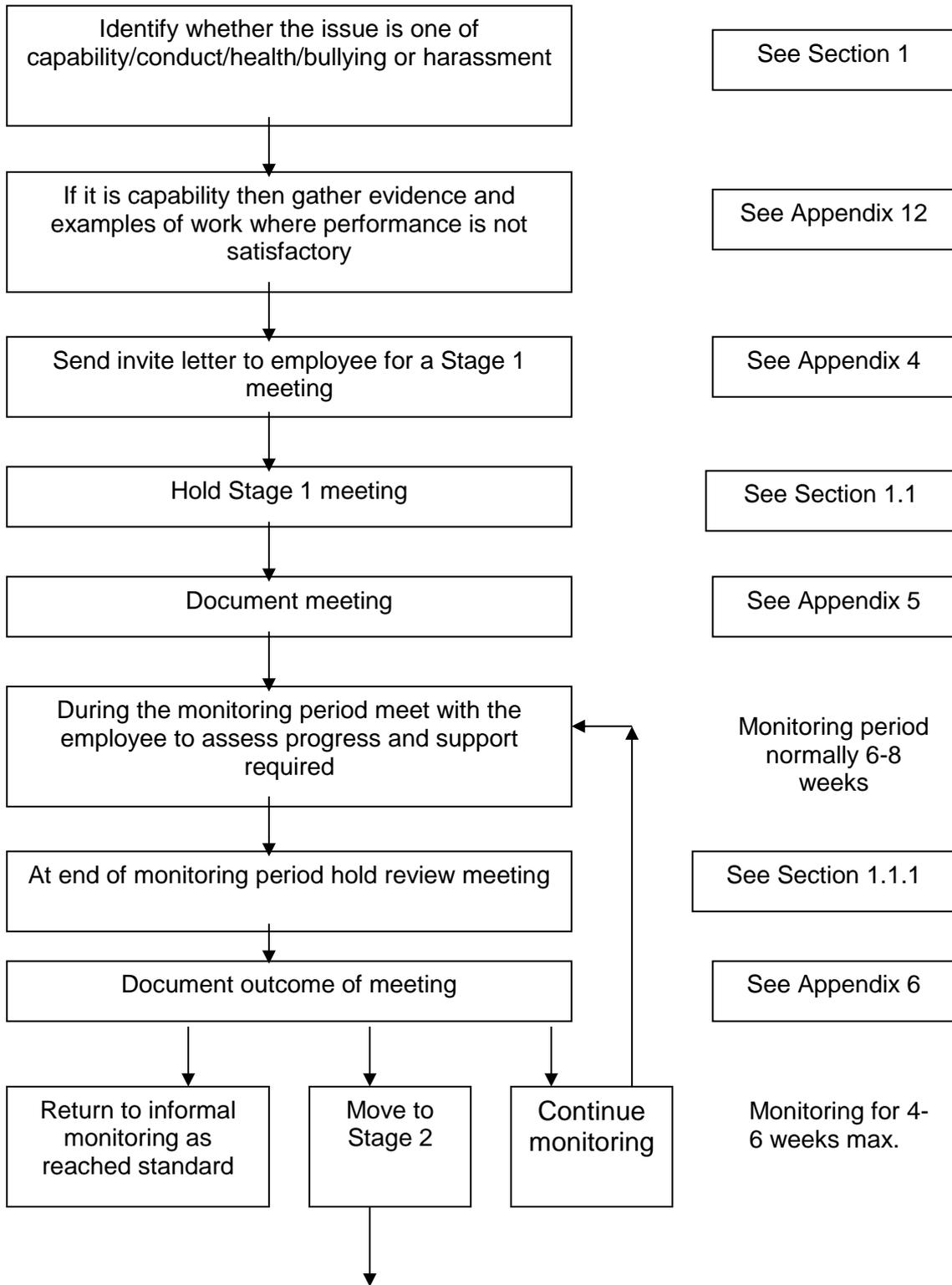
<b>Title of the document</b>	Managing Work Performance Policy
<b>What is the main purpose of the document</b>	To provide guidance on the effective management of unsatisfactory work performance
<b>Date completed</b>	July 2014
<b>Completed by</b>	eMBED Workforce Team

<b>Domain</b>	<b>Objectives</b>	<b>Impact of activity</b> Negative = -1 Neutral = 0 Positive = 1 Unknown = ? Not applicable = N/A	<b>Brief description of impact</b>	<b>If negative, how can it be mitigated? If positive, how can it be enhanced?</b>
<b>Travel</b>	Will it provide / improve / promote alternatives to car based transport? Will it support more efficient use of cars (car sharing, low emission vehicles, environmentally friendly fuels and technologies)? Will it reduce 'care miles' (telecare, care closer) to home? Will it promote active travel (cycling, walking)? Will it improve access to opportunities and facilities for all groups?	N/A		
<b>Procurement</b>	Will it specify social, economic and environmental outcomes to be accounted for in procurement and delivery? Will it stimulate innovation among providers of services related to the delivery of the organisations' social, economic and environmental objectives?	N/A		

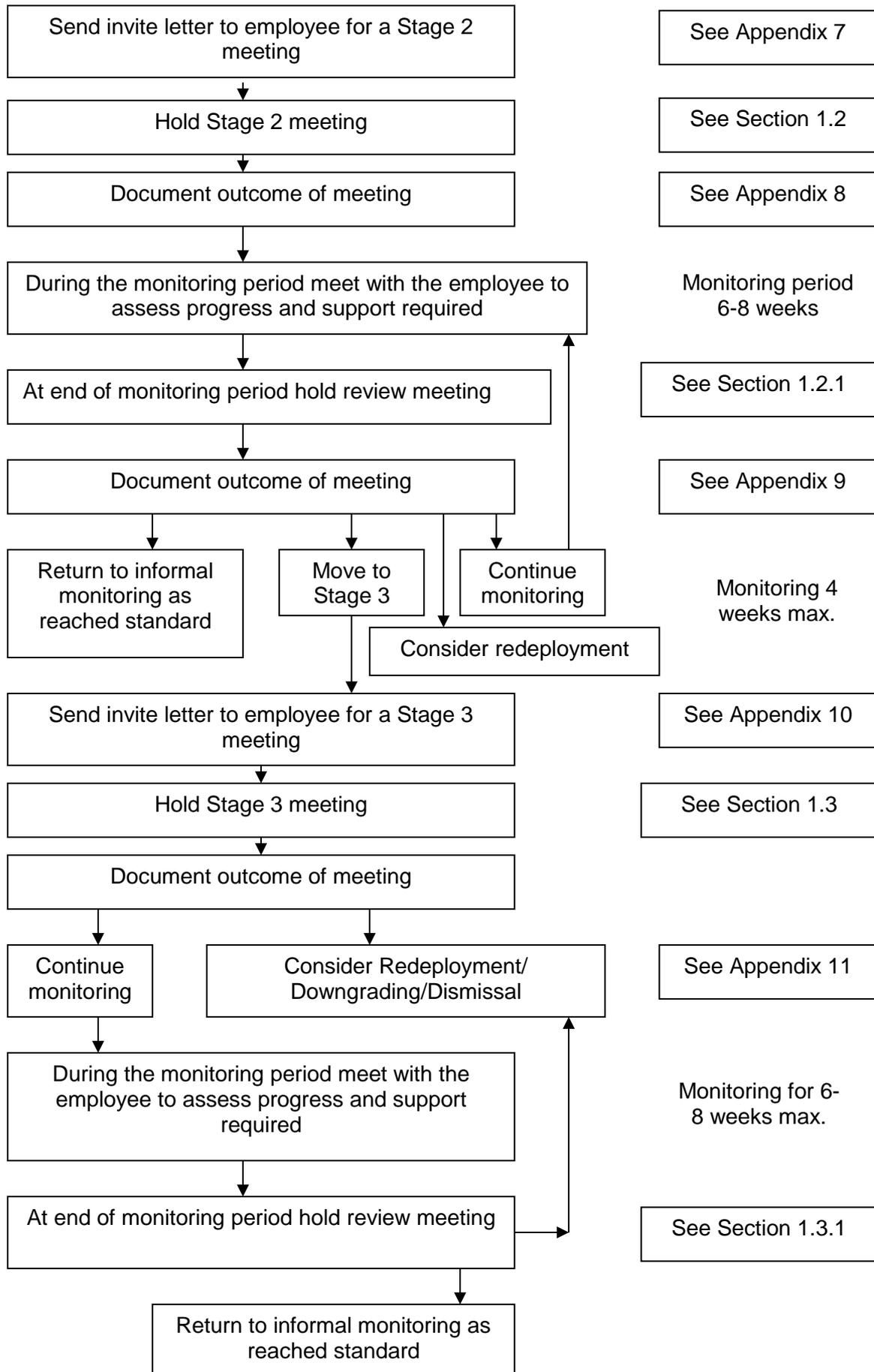
	<p>Will it promote ethical purchasing of goods or services?</p> <p>Will it promote greater efficiency of resource use?</p> <p>Will it obtain maximum value from pharmaceuticals and technologies (medicines management, prescribing, and supply chain)?</p> <p>Will it support local or regional supply chains?</p> <p>Will it promote access to local services (care closer to home)?</p> <p>Will it make current activities more efficient or alter service delivery models</p>			
<b>Facilities Management</b>	<p>Will it reduce the amount of waste produced or increase the amount of waste recycled?</p> <p>Will it reduce water consumption?</p>	N/A		
<b>Workforce</b>	<p>Will it provide employment opportunities for local people?</p> <p>Will it promote or support equal employment opportunities?</p> <p>Will it promote healthy working lives (including health and safety at work, work-life/home-life balance and family friendly policies)?</p> <p>Will it offer employment opportunities to disadvantaged groups?</p>	N/A		
<b>Community Engagement</b>	<p>Will it promote health and sustainable development?</p> <p>Have you sought the views of our communities in relation to the impact on sustainable development for this activity?</p>	N/A		
<b>Buildings</b>	<p>Will it improve the resource efficiency of new or refurbished buildings (water, energy, density, use of existing buildings, designing for a longer lifespan)?</p> <p>Will it increase safety and security in new buildings and developments?</p> <p>Will it reduce greenhouse gas emissions from</p>	N/A		

	<p>transport (choice of mode of transport, reducing need to travel)?</p> <p>Will it provide sympathetic and appropriate landscaping around new development?</p> <p>Will it improve access to the built environment?</p>			
<b>Adaptation to Climate Change</b>	<p>Will it support the plan for the likely effects of climate change (e.g. identifying vulnerable groups; contingency planning for flood, heat wave and other weather extremes)?</p>	N/A		
<b>Models of Care</b>	<p>Will it minimising 'care miles' making better use of new technologies such as telecare and telehealth, delivering care in settings closer to people's homes?</p> <p>Will it promote prevention and self-management?</p> <p>Will it provide evidence-based, personalised care that achieves the best possible outcomes with the resources available?</p> <p>Will it deliver integrated care, that co-ordinate different elements of care more effectively and remove duplication and redundancy from care pathways?</p>	N/A		

**17 APPENDIX 3 : PROCEDURE FLOWCHART**



/Cont....



## 18 APPENDIX 4: EXAMPLE LETTER – INVITE TO STAGE 1

[headed paper]

*date*

### **STRICTLY PRIVATE & CONFIDENTIAL**

Name  
Address

Dear Name

I have identified that there are some areas of your performance which are giving cause for concern, therefore I would like to discuss these with you under Stage 1 of Vale of York CCG's Managing Performance Policy (copy enclosed).

Specifically, the areas I would like to discuss are :

- ❖ e.g. Team working
- ❖ e.g. Your attitude towards others
- ❖ e.g. Your communication skills
- ❖ e.g. Your ability to deal with conflict

The aim of the meeting is to discuss any reasons which might explain why you have had difficulties in the above areas, identify any ways in which we can assist you in meeting the standards required and clearly define what those expected standards will be.

There will not be anyone else present at the meeting which is scheduled for *date*, at *time*, in *venue*. I would be grateful if you could confirm your attendance.

Yours sincerely

Name  
Title

## 19 APPENDIX 5: EXAMPLE LETTER – OUTCOME OF STAGE 1

[headed paper]

*date*

### **STRICTLY PRIVATE & CONFIDENTIAL**

Name  
Address

Dear

Following our meeting on *date* I am writing to summarise the agreed actions.

This meeting was a Stage 1 meeting held under the CCG's Managing Performance Policy. *I identified the following areas of concern, these are:-*

- *e.g. Team Working.*
- *e.g. Open and Honest Communication*
- *e.g. Self-Awareness*
  
- ❖ *[as well as outlining the difficulties in each area, document the agreed objectives and any support that is identified.]*
- ❖ *[agree and document how performance against objectives will be monitored]*
- ❖ *[document the length of the monitoring period and agree how feedback will be obtained.]*
- ❖ *[document the potential outcomes of the process]*

*As this is Stage 1 of the Managing Performance Procedure I will review your progress formally in six weeks. If you have achieved all of your objectives and there has been a significant improvement in the way that you behave in the workplace, then we will refer back to the usual Performance Appraisal system and this will conclude the process. However, if at this stage you fail to achieve improvements in the 3 areas we identified, then we will go to Stage 2 of the CCG's Managing Performance Policy.*

I trust you agree that the above accurately summarises the contents of our discussion, please let me know as soon as possible if that is not the case.

Yours sincerely

Name  
Title

**Objectives Set and Support Identified in relation to Managing Work Performance**

<b>Objective Set</b>	<b>Timescale for Achievement</b> (of each objective)	<b>Support/Learning Identified</b> e.g. course to attend, mentor appointed	<b>Timescale for Activity</b> e.g. date(s) of course, frequency of meetings with mentor	<b>Any Other Relevant Information</b>

## 20 APPENDIX 6: EXAMPLE LETTER – OUTCOME OF REVIEW UNDER STAGE 1

[headed paper]

*Date*

Name  
Address

Dear Name

Thank you for attending the meeting on *date*. The purpose of this meeting was to review your performance against the actions that we agreed upon at our Stage 1 meeting on *date*.

**Where the manager has decided to set a further monitoring period this must be confirmed in writing, the letter should include:**

- A reminder of what the problem is, including any new issues that may have arisen;
- Feedback – including from a mentor/coach if relevant;
- A reminder of what standard of performance is expected;
- The training/learning needs identified and what further training will be provided;
- What other assistance will continue to be given and/or what further assistance will be given if any has been identified;
- The period of time allowed for the improvement to take place and the date the situation will be reviewed;
- The consequences of not improving, i.e. a move to Stage 2.

**OR - Where the improvement is satisfactory:**

- Summarise the original problems;
- Outline the support put in place;
- Review the objectives that have been met;
- Outline what will happen now – i.e. a return to informal monitoring, the same as with all other staff. If any deterioration does occur within a twelve month period, a review meeting will be held to identify the reasons for the deterioration and determine the appropriate stage of the procedure for the action to recommence, i.e. this may be Stage 1, or may be Stage 2.

This completes Stage 1 of the Managing Performance Policy and I would like to take this opportunity of commending you on your hard work and commitment to this process and for the excellent progress you have made.

**OR - Where there has been no/insufficient improvement:**

- A reminder of what the problem is, including any new issues that may have arisen;
- Feedback, including from a mentor/coach where relevant;
- A reminder of what standard of performance is expected;
- The training/learning needs identified and what training/support has been provided;

- The period of time allowed for the improvement to take place and the amount of progress made;
- The fact that due to the lack of improvement, the next step in the process will be a meeting under Stage 2 of the procedure, who that will be with if known (manager), that someone from the eMBED Workforce Team will be at the meeting, and that the employee can be accompanied at the meeting.

I trust you agree that the above is an accurate summary of our meeting, if you disagree then please let me know as soon as possible.

Yours sincerely

Name  
Title

## 21 APPENDIX 7: EXAMPLE LETTER – INVITE TO STAGE 2

[headed paper]

*date*

### ***STRICTLY PRIVATE & CONFIDENTIAL***

Name  
Address

Dear Name

Further to the meeting held on *date* under Stage 1 of the CCG's Managing Performance Policy & Procedure, you were notified that as your performance has failed to reach the expected standard, you would be required to attend a meeting under Stage 2.

This meeting has been scheduled for *date*, at *time*, in *venue*. Please confirm as soon that you are able to attend. *Name*, from Workforce will also be present. You have the right to be accompanied at the meeting by a Trade Union representative, or a work colleague, not acting in a legal capacity.

The areas of your performance which are giving concern, and therefore that I would like to discuss are: -

- ❖ *e.g. Team Working.*
- ❖ *e.g. Open and Honest Communication*
- ❖ *e.g. Self-Awareness*

The aim of the meeting is to discuss any reasons which might explain why you have had difficulties in the above areas, identify any ways in which we can assist you in meeting the standards required and clearly define what those expected standards will be.

Yours sincerely

Name  
Title

Cc: Name, eMBED Workforce representative

## 22 APPENDIX 8: EXAMPLE LETTER – OUTCOME OF STAGE 2

[headed paper]

*date*

### **STRICTLY PRIVATE & CONFIDENTIAL**

Name  
Address

Dear

Following our meeting on *date* I am writing to summarise the agreed actions. This meeting was a Stage 2 meeting held under the CCG's Managing Performance Policy. Also present was *name* from Workforce, and your representative, *name*. We discussed the following concerns:-

- ❖ *E.g. Team Working.*
- ❖ *Open and Honest Communication*
- ❖ *Self-Awareness*
  
- ❖ [as well as outlining the difficulties in each area, document the agreed objectives, any progress made, and the support that was provided.]
- ❖ [document any additional difficulties that have arisen, and if any additional support has been identified]
- ❖ [document the length of the monitoring period and agree how feedback will be obtained.]
- ❖ [document the potential outcomes of the process]

I trust you agree that the above is an accurate summary of our meeting, if you disagree then please let me know as soon as possible.

Yours sincerely

Name  
Title

Cc: Name, eMBED Workforce representative  
Name, (Union) representative

## 23 APPENDIX 9 : EXAMPLE LETTER – OUTCOME OF REVIEW UNDER STAGE 2

[headed paper]

*date*

### **STRICTLY PRIVATE & CONFIDENTIAL**

Name  
Address

Dear Name

Thank you for attending the meeting on *date*. The purpose of this meeting was to review your performance against the actions that we agreed upon at our Stage 2 meeting on *date*. Also present was *name* from Workforce and your union representative, *name*.

**Where the manager has decided to set a further monitoring period this must be confirmed in writing, the letter should include:**

- A reminder of what the problem is, including any new issues that may have arisen;
- Feedback – including from a mentor/coach if relevant;
- A reminder of what standard of performance is expected;
- The training/learning needs identified and what further training will be provided;
- What other assistance will continue to be given and/or what further assistance will be given if any has been identified;
- The period of time allowed for the improvement to take place and the date the situation will be reviewed;
- The consequences of not improving, i.e. a move to Stage 3.

**OR - Where the improvement is satisfactory:**

- Summarise the original problems;
- Outline the support put in place;
- Review the objectives that have been met;
- Outline what will happen now – i.e. a return to informal monitoring, the same as with all other staff. If any deterioration does occur within a twelve month period, a review meeting will be held to identify the reasons for the deterioration and determine the appropriate stage of the procedure for the action to recommence, i.e. this may be Stage 2, or may be Stage 3.

This completes Stage 2 of the Managing Performance Policy and I would like to take this opportunity of commending you on your hard work and commitment to this process and for the excellent progress you have made.

**OR - Where there has been no/insufficient improvement:**

- A reminder of what the problem is, including any new issues that may have arisen;

- Feedback, including from a mentor/coach where relevant;
- A reminder of what standard of performance is expected;
- The training/learning needs identified and what training/support has been provided;
- The period of time allowed for the improvement to take place and the amount of progress made;
- Redeployment process, where applicable
- The fact that due to the lack of improvement, the next step in the process will be a meeting under Stage 3 of the procedure, who that will be with if known (manager), that someone from the Workforce Team will be at the meeting, and that the employee can be accompanied at the meeting.

I trust you agree that the above is an accurate summary of our meeting, if you disagree then please let me know as soon as possible.

Yours sincerely

Name

Title

Cc: Name, eMBED Workforce Representative  
Name, (Union) Representative

## 24 APPENDIX 10: EXAMPLE LETTER – INVITE TO STAGE 3

[headed paper]

*date*

### ***STRICTLY PRIVATE & CONFIDENTIAL***

Name

Address

Dear Name

Further to the meeting on *date* held under Stage 2 of the CCG's Managing Performance Policy & Procedure, you were notified that as your performance has failed to reach the expected standard, you would be required to attend a meeting under Stage 3.

This meeting has been scheduled for *date*, at *time*, in *venue*. Please confirm to **XXXX** on **XXXX** that you are able to attend. *Name*, from Workforce will also be present. You have the right to be accompanied at the meeting by a trade union representative or a work colleague, not acting in a legal capacity.

The areas of your performance which are giving concern, and therefore that I would like to discuss are: -

- ❖ *e.g. Team working.*
- ❖ *e.g. Your attitude towards others.*

The aim of the meeting is to discuss any reasons which might explain why you have had difficulties in the above areas, identify any ways in which we can assist you in meeting the standards required and clearly define what those expected standards will be.

The options for consideration at the meeting are as follows:

- ❖ Further formal monitoring.
- ❖ Dismissal

Should dismissal be the outcome, further consideration would then be made as to whether or not the following options are appropriate:

- ❖ Downgrading.
- ❖ Redeployment within the CCG

Yours sincerely

Name

Title

## 25 APPENDIX 11: EXAMPLE LETTER – OUTCOME OF STAGE 3

[headed paper]

*date*

### **STRICTLY PRIVATE & CONFIDENTIAL**

Name  
Address

Dear

Following our meeting on *date* I am writing to summarise the agreed actions. This meeting was a Stage 3 meeting held under the CCG's Managing Performance Policy. Also present was *name* from Workforce, and your representative, *name*. We discussed the following concerns:-

- ❖ *e.g. Team Working.*
- ❖ *e.g. Open and Honest Communication*
  
- ❖ [as well as outlining the difficulties in each area, document the agreed objectives, any progress made, and the support that was provided at previous stages.]
- ❖ [document any additional difficulties that have arisen, and if any additional support has been identified]

#### **If the outcome is to continue formal monitoring -**

[document the length of the monitoring period and agree how feedback will be obtained.]  
[document the potential outcomes of the process]

e.g. As this is Stage 3 of the Managing Performance Procedure I will review your progress formally in four weeks. If you have achieved all of your objectives, then we will refer back to the usual Performance Appraisal system and this will conclude the process. However, if at this stage you fail to achieve improvements in the areas we identified, then a possible outcome of this process is dismissal. If this is the case, then potentially we may go on to consider whether downgrading/redeployment within the team is possible to provide you with alternative employment.

#### **If the outcome is dismissal –**

As you have not met the required standards of performance, despite the support provided to try and assist you to do so, your contract is being ended on the grounds of capability i.e. not meeting the performance requirements of your post. We then adjourned to discuss whether downgrading or redeployment would be a possibility:

#### **If the subsequent outcome is downgrading within the directorate –**

When we reconvened the meeting you were informed that an alternative post of [name of post] had been identified. If you decide to accept this offer of an alternative post, this constitutes a variation of your contract. You would be agreeing to be downgraded to the role of "...", which is currently a Band x post. Your manager will be *name* and s/he will go through your induction programme for the new role with you on *date*. As this would be an agreed

variation, following dismissal from your current post, you will not be entitled to appeal against this outcome.

Please confirm to me in writing by (date) whether you wish to accept the above variation to your contract.

-----

**If the subsequent outcome is redeployment –**

When we reconvened the meeting you were informed that an alternative post of [name of post] had been identified. If you decide to accept this offer of an alternative post, this constitutes a variation of your contract. You would be agreeing to be redeployed to the role of “...” which is currently a Band x post. Your salary will change from £... to £... with effect from [date]. Your manager will be *name* and s/he will go through your induction programme for the new role with you on *date*. As this would be an agreed variation, following dismissal from your current post, you will not be entitled to appeal against this outcome.

Please confirm to me in writing by (date) whether you wish to accept the above variation to your contract.

-----

**If the subsequent outcome is that neither Redeployment or Downgrading are suitable**

-

We considered the alternative options of either downgrading or redeployment, however these were not considered appropriate options for the following reasons:

[detail reasons]

You will receive a payment in respect of [number of days] outstanding annual leave, and x weeks’ pay in lieu of notice.

Would you make arrangements for the return of any CCG property in the form of keys, IT equipment, ID Badge etc. In this respect, please contact [name of line manager and their contact number]. At the same time, please advise [name of manager] of any personal possessions that you wish to reclaim.

You have the right of appeal against this decision to dismiss you on the grounds of capability. In the event of wishing to exercise this option, you must write to **XXXX**, within 21 days of the date of this letter.

I trust you agree that the above is an accurate summary of our meeting, if you disagree then please let me know as soon as possible.

Yours sincerely

Name  
Title

Cc: Name, eMBED Workforce Representative  
Name, (Union) Representative

## 26 APPENDIX 12: GUIDANCE FOR MANAGERS AND MENTORS

### Confidentiality

Line Managers need to balance the need to share details of the performance issues with other members of the team and enabling the employee concerned to maintain a degree of self-esteem. If other staff are to be informed of the performance issues, including the objectives set and asked to provide feedback on performance, then the employee should be told who the information is being disclosed to. Staff receiving this information should also be reminded that it is confidential and not for discussion with others.

Any Line Manager that becomes aware of gossip or speculation surrounding the performance management of an employee must ensure that it is stopped. Line Managers can take advice from the eMBED Workforce team on any of the above.

### Assessing the Extent of the Problem and Identifying the Way Forward

When problems arise with staff who are relatively new in post then reference should be made to the induction programme and any mentoring that was given. It may be appropriate to consider repeating parts or all of the induction programme, particularly when an employee has other issues e.g. health, impacting upon their ability to perform in the workplace.

For all staff, if competencies are utilised during the induction of new staff then these can be revisited as a starting point to help identify the full extent of the performance problem.

The employee's KSF outline should be reviewed to determine the specific areas of concern.

Where the concerns are around behaviours examples need to be very clear i.e.

- ❖ On x date you spoke to Y about Z. S/he found your manner to be unprofessional and dismissive of her when she tried to respond to your points. This led to her not feeling able to approach you for assistance during the rest of that day.

This not only outlines the problematic behaviour, but also makes clear what the impact of that behaviour was.

### Setting Objectives

Objectives must be **Specific, Measurable, Achievable, Realistic/Relevant** and **Timebound**. The employee must be clear as to what is expected of them during the monitoring period, as must anyone who is being asked to support them or monitor/assess their performance. Further guidance is available in the Performance Appraisal information.

### Identifying Support

As mentioned above this can include providing the employee with a re-induction to the department. Other options to consider are:-

- ❖ Use of a competencies workbook;
- ❖ Appointing a mentor/coach;
- ❖ Giving the employee more time;
- ❖ Experience within another area of the CCG. **Note** – if an employee is moved, the new manager should be briefed about the extent of the problem, the support that is in place, and should continue the monitoring process.
- ❖ Job shadowing

## Measuring Performance

It needs to be agreed how performance will be measured, by who, and over what period. If mentors/supervisors are being asked to assess performance, they should remember to challenge the employee and give them the opportunity to improve during the monitoring period, not just document where the standard has not been met.

Ensure that less tangible competencies e.g. ability to use initiative, have clear measures identified. Also, check that the support given does not prevent the employee from achieving/demonstrating competence. For example, if the employee has to run all issues and decisions past a supervisor/mentor then they can develop a dependency and start to forget to use their own initiative and/or prioritise their own work. It will also be harder for them to be able to demonstrate competence.

## Providing feedback

If mentors/supervisors are assessing performance then it needs to be agreed how feedback will be given. When noting unsatisfactory performance mentors/supervisors should give prompt feedback (see paragraph above about challenging behaviour/performance) to enable change to take place, as well as documenting their assessment and the subsequent feedback.

The documented feedback should then form part of the formal meetings to inform the Line Manager and Workforce representative that are taking decisions.

## Using Other Policies

Line Managers should refer employees to Occupational Health either if they suspect that ill health is impacting upon an employee's ability to perform at work, or if it is suspected that the process of being formally managed under the Performance procedure is having an impact upon the employee's health. If an employee is absent due to sickness whilst under performance management, the Line Manager should ensure that absence is managed under the Management of Attendance Policy & Procedure as usual.

## Guidelines for Producing Notes in Relation to Performance Issues

Where a member of staff, either as a mentor/supervisor who has been asked to assess an employee's performance, or a colleague who is reporting underperformance, is documenting performance issues, the following guidance should be followed:-

### **Purpose**

- ❖ To tell a third party about events in which the author participated;
- ❖ To tell a third party about events which the author observed;
- ❖ To tell a third party about events which were formally reported to the author.

### **When Writing a File Note Ensure**

- ❖ The information is factual;
- ❖ The information is accurate;
- ❖ The note is concise;
- ❖ Relevant information is included;
- ❖ Words or phrases of a technical or clinical nature are explained;
- ❖ It is legible if handwritten;

- ❖ It is checked for errors if it has been typed from handwritten;
- ❖ It gives sufficient details about the event;
- ❖ It is signed and dated, with the author's name clearly printed;
- ❖ A copy is retained.

## 27 APPENDIX 13 : STAGE 1 CHECKLIST FOR LINE MANAGER

	√
Identify the performance problems, including specific examples.	
Consider possible reasons for unsatisfactory performance e.g. lack of training, and possible action prior to performance management, where appropriate.	
Consider whether external factors such as ill health or bullying/harassment are causing the performance problem. Use other policies such as Managing Sickness/Substance Misuse/Stress where appropriate.	
If the performance problems are serious enough to warrant entering the procedure at Stage 2, liaise with eMBED Workforce Advisor/Manager for guidance prior to notifying the employee.	
If entering the procedure at Stage 1 then prepare – examples of the problems, clear explanation of the standards expected, possible objectives to be set and suggested forms of support to assist the employee.	
Meet briefly with the employee to advise them that you will be writing to them to ask them to attend a meeting to discuss their performance – check where they want the letter sending, if it is their home, check you have their correct address.	
Send a letter asking them to attend a Stage 1 meeting (see Appendix 4 for template) giving them at least 7 calendar days' notice of the meeting.	
Hold the meeting (see Section 1 for guidance) – depending on the employee's response, again consider whether it is more appropriate to use other policies to manage the situation. If other factors are not relevant then agree objectives and support, and the length of the monitoring period.	
Document the meeting (see Appendix 5 for template).	
Meet on a regular basis to review the situation – document.	
Write to the employee at least 7 calendar days prior to the review date, reminding them of the review meeting which follows the monitoring period.	
Prepare for the meeting by getting feedback from any mentor/coach/supervisor that has been assigned, plus examples of where behaviour has been observed to have improved/stayed the same/deteriorated.	
Hold the meeting (see Section 1.1.1 for guidance) and either continue monitoring further, take off formal monitoring, or confirm that will be moving to Stage 2 due to lack of improvement.	
Document the meeting (see Appendix 6 for template).	
Where the outcome is to move to Stage 2, if there is to be a change of Line Manager (not essential) both this person and the eMBED Workforce Advisor/Manager who will be involved at Stage 2 must be fully updated and provided with copies of all documentation.	

**Note** – the employee does not have the right to be accompanied at this stage of the procedure, however if they request to be accompanied, the Manager can agree to this but should point out that someone from eMBED Workforce will be present to support the Manager. The meeting will still be held under Stage 1 but will inevitably feel more formal if more than two people are there.

The following request should be made prior to any meeting: **Request that all attendees turn off any electronic devices to avoid unnecessary interruptions during the meeting and advise that the CCG expressly prohibits the recording of meetings.**

## 28 APPENDIX 14 : STAGE 2 CHECKLIST FOR LINE MANAGER

	√
If the performance problems are serious enough to warrant entering the procedure at Stage 2, liaise with eMBED Workforce Advisor/Manager for guidance prior to notifying the employee. Ensure have specific examples available.	
If employee has been managed at Stage 1 - ensure up to date on what the performance problems are - including specific examples, the support that has been given and any improvements/deterioration during Stage 1.	
Consider whether external factors such as ill health or bullying/harassment are causing/exacerbating the performance problem. Use other policies such as Management of Attendance may be instead of, or as well as, the Performance Procedure.	
Agree convenient date with eMBED Workforce Advisor/Manager and send a letter to the employee asking them to attend a Stage 2 meeting (see Appendix 5 for template) giving them at least 7 calendar days' notice of the meeting.	
Hold the meeting (see Section 1.2 for guidance) – depending on the employee's response, again consider whether it is more appropriate to use other policies to manage the situation. If other factors are not relevant then agree objectives and support, and the length of the monitoring period.	
If the employee is accompanied at the meeting, check if they want that person to be copied into correspondence, and if so get the appropriate address.	
Document the meeting (see Appendix 8 for template) copied to representative where agreed.	
Meet on a regular basis to review the situation – document.	
Write to the employee (copy to eMBED Workforce) at least 7 calendar days prior to the review date, reminding them of the review meeting which follows the monitoring period. If the employee was accompanied at Stage 2 then remind them to notify their representative if they wish to be accompanied again.	
Prepare for the meeting by getting feedback from any mentor/coach/supervisor that has been assigned, plus examples of where behaviour has been observed to have improved/stayed the same/deteriorated.	
Hold the meeting (see Section 1.2.1 for guidance) and either continue monitoring further, take off formal monitoring, or confirm that will be moving to Stage 3 due to lack of improvement. If the employee is accompanied at the meeting, check if they want the representative to be copied into the correspondence, and check have correct address.	
Document the meeting (see Appendix 9 for template) – copied to representative where agreed.	
Where the outcome is to move to Stage 3, there must be a change of Line Manager and eMBED Workforce input (essential) both this person and the eMBED Workforce Manager who will be involved at Stage 3 must be fully updated and provided with copies of all documentation.	

Note – eMBED Workforce must be at the meeting to support the Manager and the employee has the right to accompaniment.

The following request should be made prior to any meeting: **Request that all attendees turn off any electronic devices to avoid unnecessary interruptions during the meeting and advise that the CCG expressly prohibits the recording of meetings.**

**29 APPENDIX 15: STAGE 3 CHECKLIST FOR LINE MANAGER**

		√
<p>If the performance problems are serious enough to warrant entering the procedure at Stage 3 (Extreme Performance Issues – Section 1.5), liaise with eMBED Workforce Manager for guidance prior to notifying the employee. Ensure have specific examples available. Where suspension is agreed take advice from eMBED Workforce Manager re process.</p>		
<p>If employee has been managed at Stage 2 - ensure up to date on what the performance problems are - including specific examples, the support that has been given and any improvements/deterioration during Stages 1 and 2. If a dismissal is possible at Stage 3, ensure that Line Manager has sufficient authority to dismiss (seek eMBED Workforce advice).</p>		
<p>Consider whether external factors such as ill health or bullying/harassment are causing/exacerbating the performance problem. Use other policies such as Management of Attendance may be used instead of, or as well as, the Performance Procedure.</p>		
<p>Agree convenient date with eMBED Workforce Manager and send a letter to the employee asking them to attend a Stage 3 meeting (see Appendix 10 for template) giving them at least 7 calendar days' notice of the meeting.</p>		
<p>Hold the meeting (see Section 1.3 for guidance) – depending on the employee's response, again consider whether it is more appropriate to use other policies to manage the situation. If other factors are not relevant then either agree objectives and support, and the length of the monitoring period OR confirm grounds to dismiss and agree period of adjournment.</p>		
<p>If the employee is accompanied at the meeting, check if they want that person to be copied into correspondence, and if so get the appropriate address.</p>		
<b>Further Monitoring Agreed</b>		<b>Dismissal</b>
<p>Document the meeting (see Appendix 11 for template) copied to representative where agreed.</p>	<p>Where grounds for dismissal are in place - discuss with eMBED Workforce Manager whether redeployment/downgrading is appropriate, if so obtain details of relevant vacancies.</p>	
<p>Where the employee has been given a further monitoring period, write to the employee (copy to eMBED Workforce) at least 7 calendar days prior to the review date, reminding them of the review meeting which follows the monitoring period. If the employee was accompanied at Stage 3 then remind them to notify their representative if they wish to be accompanied again.</p>	<p>Arrange to reconvene the Stage 3 meeting and either give details of why redeployment/downgrading not considered appropriate and confirm decision to dismiss, or make offer of variation to contract.</p>	
<p>Prepare for the meeting by getting feedback from any mentor/coach/supervisor that has been assigned, plus examples of where behaviour has been observed to have improved/stayed the same/deteriorated.</p>	<p>Document the meeting (see Appendix 11 for template) copied to representative where agreed.</p>	

<p>Hold the meeting (see Section 1.3 for guidance) and either take off formal monitoring, or confirm grounds for dismissal and arrange adjournment. If the employee is accompanied at the meeting, check if they want the representative to be copied into the correspondence, and check have correct address.</p>		<p>Where employee has been notified of grounds for dismissal and offered variation to contract, ensure the employee responds in writing to offer, and action appropriately.</p>	
<p>Document the meeting (see Appendix 11 for template) – copied to representative where agreed.</p>		<p>Where employee agrees to variation in contract, ensure new Line Manager is updated on background to situation – that person will then co-ordinate all transfer documentation/inductions etc. as with any new starter to their department.</p>	
<p>Follow steps above right where dismissal takes place.</p>			

The following request should be made prior to any meeting: **Request that all attendees turn off any electronic devices to avoid unnecessary interruptions during the meeting and advise that the CCG expressly prohibits the recording of meetings.**