

Performance Management Policy

Policy reference – HR019

SUMMARY	This policy provides a process and framework to manage work performance of employees and offer support and development where this can be identified.
AUTHOR	Human Resources
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APPROVAL COMMITTEE	CCG Remuneration Committee
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This policy has been aligned to Greater Huddersfield and North Kirklees CCGs in light of shared staff working across the CCGs.

THIS POLICY HAS BEEN SUBJECT TO AN EQUALITY IMPACT ASSESSMENT

VERSION CONTROL SHEET

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CONTENTS

1. Policy Statement	4
2. Scope	4
3. Responsibility.....	4
3.2. Line Managers.....	4
3.3. Employees.....	5
3.4. Human Resources.....	6
3.5. Trade Unions.....	6
4. Equality Statement.....	6
5. Accountability.....	6
6. Implementing and Monitoring.....	6
7. Right to Representation	7
8. Performance management and what this means under this policy.....	7
9. Day to day line management.....	8
11. Formal Stage	9
12. Possible Outcomes	10
13. Extended Absence from Work.....	11
14. Appeal.....	11
Appendix 1 - Scheme of Delegation.....	12
Appendix 2 - Managing Performance Stages.....	13
Appendix 3 - Performance improvement plan – template with examples.....	14
Appendix 4 - Performance Management – Manager’s Guide	15
Appendix 5 - Performance Management – Employees Guide	22
Appendix 6 - Equality Impact Assessment	24

1. Policy Statement

- 1.1. This document sets out the Clinical Commissioning Groups (CCG) policy and procedure for supporting colleagues to maintain high standards of 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 relating to performance. We know that the more skilled you are in your role, the more you will enjoy it. It is also of the utmost importance as an NHS organisation that we use public money effectively, in ensuring that we support all our employees to carry out their roles to the highest possible standards.
- 1.3. Each individual is encouraged to maximise their potential within their role and to continuously strive to deliver their best. Managing performance should be a continual process of feedback and review. However, there will be occasions when an individual's ability and performance falls below the required standard for their role and they are unable to meet their contractual obligations and objectives. In these instances management intervention is required to provide support, development and feedback.
- 1.4. The CCG's aim is to empower and develop individuals and teams to reach their full potential and to willingly participate in development opportunities mandated by the CCG (for example GDPR or conflicts of interest training). This is to allow individuals to acquire different skills thus increasing personal responsibility and self-confidence.

2. Scope

- 2.1. The policy applies to all employees of the CCG, and those engaged under a Contract for Services.

3. Responsibility

- 3.1. Good working relations are vital for the CCG 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.

3.2. Line Managers

For line managers, this policy should be used in conjunction with the Performance Management – Manager's Guide (appendix 4). Advice should be sought from the Human Resources team prior to formal action being taken. Line managers are also encouraged to seek HR advice for dealing with performance issues informally in addition to seeking support from SMT and/or team members. The key responsibilities for line managers are:

- Line managers have a responsibility to ensure that they appoint individuals who they believe are capable of doing the job that they are appointed into. This is in line with the CCG Recruitment and Selection and Organisational Change policies;
- Agree standards of performance, which are specific, realistic, achievable and measurable, and ensure that these are communicated effectively and monitored regularly in conjunction with employees;

- Ensure a comprehensive induction to ensure that employees are clear about the aims of the CCG and department and the standards expected of them;
- Discuss and agree with the employee what is expected of them in their role or what the post holder is expected to deliver;
- Ensure that appropriate documentation is retained, to record training and development to ensure that adequate training has been given prior to an employee undertaking a specific task, where this is relevant;
- Conduct regular appraisals in line with the CCG policy. However, line managers should not solely rely on the appraisal process to manage performance;
- Provide full support, encouragement, assistance and appropriate training and development to enable employees to reach and maintain the required standard;
- Ensure that employees are aware when they are meeting, exceeding and falling short of expectations, at regular 1:1s. Performance should be part of regular discussions through day to day management within teams and 1:1 meetings;
- Discuss performance problems swiftly and 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 including date, time and content and follow-up points made in writing to clarify performance issues and actions to be taken;
- Responsible for chairing all formal performance meetings and writing employee outcome letters;
- Where performance of an employee is affected by a disability, as defined by the Equality Act 2010, to take specific action as required to support disabled employees to meet performance standards, by making reasonable adjustments to working conditions and work patterns as appropriate in consultation with Occupational Health and in accordance with the Equality & Diversity Policy;
- Participating in training opportunities to support them in their role managing the performance of employees;
- Work in partnership with Trade Union representatives to ensure that all formal performance issues are dealt with fairly and consistently.

3.3. **Employees**

It is the responsibility of the employee to:

- Ensure that they are aware of the standards expected of them, and, ask for assistance, training, guidance and support to enable them to achieve and maintain these standards. There is an onus on employees to maintain an updated awareness of new developments and to take ownership for the acquisition of skills as part of their personal development planning;
- Aim to achieve high standards of performance as individuals and contribute effectively to the team and the organisation;
- Inform their line manager 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;
- Contribute to any discussions about their performance and participate fully in action plans aimed at performance improvement;
- Comply with their professional code of conduct where applicable.

3.4. **Human Resources**

The key responsibilities for Human Resources are:

- Supporting line managers in dealing with performance related issues;
- Providing training for new line managers and refresher training for existing managers on the implementation of this policy.
- Review the policy periodically and where it is necessary, due to legislative change, this will happen sooner.

3.5. **Trade Unions**

Trade Unions play a vital role in:

- Representing members in the formal procedure and providing support and advice;
- Working in partnership with management, HR and Occupational Health to ensure employees are treated fairly and consistently;

4. **Equality Statement**

- 4.1. 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, sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, carers and sexual orientation. An Equality Impact Assessment has been carried out for this policy.

5. **Accountability**

- 5.1. The Chief Officer is accountable for this policy.

6. **Implementing and Monitoring**

- 6.1. The Remuneration Committee is responsible for the formal approval of this policy. Following approval, the policy will be disseminated to staff via internal communication methods and available through the staff intranet.
- 6.2. The policy and procedure will be reviewed periodically by the HR Team in conjunction with Trade Union representatives and Staff Forum. Where review is necessary due to legislative change, this will happen sooner.

7. Right to Representation

- 7.1. During the formal stage of the process, an employee has the right to be accompanied by a Trade Union representative or work colleague, not acting in a legal capacity. The role of the representative is to assist and support the employee within the procedure. The representative must not answer questions for the employee or disrupt the process.
- 7.2. The employee is responsible for arranging their own representation for meetings with assistance from Human Resources where appropriate, 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 concerns with performance promptly. The unavailability of a particular representative should not be a reason for delaying matters for more than five working days. Should a particular representative be unable to attend a rearranged meeting, the employee may be asked to engage with an alternative representative.
- 7.3. The benefit of Trade Union representation is that it enables employers and employees to communicate, consult and negotiate effectively with each other. This partnership working nurtures good employment relations between employees and management. The role of the representative in any hearing is to assist and support the employee. The representative is also entitled to time out to confer with the employee during formal meetings if required. The representative may not answer questions on behalf of the employee. Further information on the role of the representative is described in the Discipline and Grievance ACAS Code of Practice.

8. Performance management and what this means under this policy

- Underperformance or performance concerns are addressed quickly;
- Performance is improved informally in the first instance;
- If the performance is not at the required standard then the employee will have the chance to discuss this with their line manager and agree what specifically requires improvement, how and when and when this will be reviewed;
- Support will be provided to help improve performance which will be focused on the areas requiring improvement and will be documented;
- It is envisaged that the individual will attain the required level of performance through informal discussions and support from their line manager as part of day to day line management. However, if this doesn't happen, then the line manager will need to move to a more formal process which may eventually result in dismissal;
- If a formal meeting is arranged, there is a right to representation;
- If there is a formal warning or a dismissal, there is a right to appeal;
- Support will be provided to employees to perform at the required level which will be focused on the areas requiring improvement and will be documented. However, it is important that employees can sustain performance without an ongoing need for additional support, unless there is a disability, health or other specific need. In this case, reasonable adjustments should be made with advice from Occupational Health to enable the individual to carry out their role at the required level of performance, on a sustained basis;
- If an individual performs well but the performance in the same area is not sustained, the performance process will be resumed at the point it had previously reached.

9. Day to day line management

- 9.1. The day to day supervision of individuals and teams by line managers represents the essence of performance management. Line managers should attempt to resolve performance concerns through day to day management practices and not leave them under the formal process. The individual will have regular meetings with their line manager in terms of what the reasonable expectations of performance are and during these meetings.
- 9.2. The aims of day to day line management are to:
- Demonstrate an active interest in the performance of individuals, for motivational reasons and to maintain workplace discipline through the behavioural framework;
 - Provide feedback on exemplary performance at the time it occurs, thereby reinforcing it;
 - Provide feedback on unsatisfactory performance by explaining the problem, listening to the individual's side of the story, and explaining what improved performance should look like and how it can be achieved; and
 - Ensure remedial action to improve specific instances of unsatisfactory performance is arranged – where for example formal training is involved and discussed again at a formal review process.
- 9.3. If the performance is not at the required level, the line manager will discuss and work with the individual and agree what areas of performance require improvement. The line manager and employee should jointly identify:
- The underlying cause;
 - A course of action, which should be clearly documented and shared;
 - A timescale to overcome the concerns taking into account planned absences, hours of work and working patterns;
 - What support is available e.g. training, coaching, mentoring, counselling and Occupational Health support;
 - Regular review periods as part of day to day line management.
- 9.4. Working with the line manager is usually enough support for performance improvement and setting reasonable expectations of standards of performance. However, sometimes it is not sufficient where the concerns persist and the line manager may need to do something more formal to help improvement and this would mean moving to the formal review stage for conduct and capability.

10. Formal Review – Conduct or Capability

- 10.1. It is important to establish the nature of performance concerns before taking any formal action. Sometimes it may be a combination of both conduct and capability, and in some cases the disciplinary procedure will need to be invoked. As a general guide the definition of conduct and capability are as follows:
- **Conduct** – this can be defined as a deliberate behaviour or action and indicates that the employee has a choice in what they do. It refers to a breach in standards or expectations which the employee chooses not to meet e.g. timekeeping, failure to accept reasonable instructions, or poor attitude towards other employees. Where the team member has the knowledge, skills or ability to deliver and sustain an acceptable level of performance, but chooses not to apply it or makes a conscious choice to behave inappropriately this should be managed under the CCG Disciplinary Policy and Procedure as ‘conduct’.
 - **Capability** – when the individual does not have the level of knowledge, skills or ability to deliver and sustain an acceptable level of performance, then this is ‘capability’ (this covers performance or ability). One of the key features of a lack of capability is that, unlike a conduct issue, it may be outside of the individual’s direct control for example a lack of skills or experience.
- 10.2. Occasionally concerns with performance can be indicative of an employee’s inability to perform a role due to lack of experience or qualifications. Where this is the case, there may be concerns around the suitability of the employee and particularly the recruitment and selection process. If there is a suspicion that an employee has made false declarations as part of the recruitment process, this should be referred to the Local Counter Fraud Specialist. If there is evidence that an employee made false declarations during the recruitment process the matter may be subject to a criminal investigation and/or disciplinary proceedings in accordance with the Recruitment and Selection Policy.

11. Formal Stage

- 11.1. If the underperformance reaches a formal stage (see appendix 2), the individual will be invited to a formal meeting with their line manager and a HR representative. At this stage through regular day to day management, the line manager will have articulated to the individual the steps they may take which also include formal performance management and therefore not come as a surprise to the individual. The formal stages cover first and second formal meetings and dismissal.
- 11.2. The line manager will write to the individual giving at least 5 working days’ notice so that individual is aware of when the meeting is and what needs to be discussed to help them prepare for the meeting. The individual will have the right to representation should they require this.
- 11.3. The purpose of the meeting will be to review the areas of underperformance and to discuss how the individual needs to improve. At the meeting the line manager will specify those aspects of the employee’s performance which are of concern, providing evidence and give the employee the opportunity to respond. It is important that the conversation is clearly documented by both parties. Previous informal discussions will be fully discussed at this stage.

- 11.4. The line manager will make sure that the individual knows what they need to do to improve, give support where necessary and monitor their progress. A performance plan will be agreed with them with an agreed review period. The review period will be between four to twelve weeks maximum.
- 11.5. In exceptional circumstances, it may be possible to consider a temporary or permanent reduction of working hours with appropriate pay reduction or use of other options such as annual leave if this is agreed as being beneficial in supporting the employee to improve their performance. Any agreement must be made using the Flexible Working Policy and must be in line with service needs. However, if it is identified that this would reduce the individual's opportunity to improve in their job role, then this may not be appropriate.
- 11.6. If the individual is off work for more than four weeks whilst the warning is live, the line manager will extend the performance plan by the same amount of time as the individual is absent.

12. Possible Outcomes

- 12.1. After a formal meeting, the line manager may give one of the following types of warnings which will be confirmed in writing:
 - **First Written Warning** – The line manager will explain why the performance is not up to standard and that the individual could move on to a Final Written Warning if the performance does not improve. The warning will also indicate what needs to be achieved and by when. A copy of the warning will be placed on the individual's HR file and will be live for 12 months.
 - **Final Written Warning** – The warning will explain as set out above for a First Written Warning. This warning confirms that if the performance does not improve, the CCG may terminate the individual's employment. This warning will be live for twelve months.
 - **Dismissal** - If the performance does not improve after a previous warning, or if all other warnings have been exhausted, the CCG may terminate the individual's employment. The CCG does not take these decisions lightly and we hope it never gets this far. 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".
- 12.2. For less serious cases, the procedure normally starts with a First Written Warning moving through to each stage, eventually arriving at dismissal if there is not enough improvement. However, the process may start at an earlier stage or stages missed if there is a serious cause for concern.

13. Extended Absence from Work

- 13.1. If the individual has an extended period of absence from work e.g. maternity leave, long term sickness absence, whilst they are part way through the informal or formal performance management, the process will be temporarily put on hold until they return. If the individual has a live warning, this will be “suspended” for the duration of the absence,
- 13.2. Upon the individual's return, the line manager will review the performance and restart the performance management process at the point the individual was at prior to their absence. The line manager will review the performance plan and update it as necessary to ensure its continued relevance. If the individual has a suspended warning, this will become “live” for the remaining period of the warning.

14. Appeal

- 14.1. The individual can appeal against any action taken at the formal stage. If the individual wants to appeal, they must write to HR within five working days of receiving their letter confirming the decision. The letter needs to outline why they wish to appeal with as much information as possible. Acceptable grounds for appeal include process errors, the appeal process does not allow for the full case to be reheard.
- 14.2. When the appeal is received (see appendix 1 for scheme of delegation), another senior manager who has not previously been involved will consider and respond to it. Appeals will normally be dealt with in writing. If the appeal is against a final written warning or dismissal, the senior manager will arrange to meet with the individual before they make a decision. All appeal decisions are final and will be confirmed in writing.
- 14.3. If the appeal is against the dismissal and the Chief Officer or nominated deputy decides to confirm the original decision, the date that the individual's employment ended will be the same as the original date they were given.
- 14.4. If the appeal is unsuccessful, the decision and any required action will be effective immediately and recorded on the HR file. If the appeal overturns a decision to dismiss then the individual will be re-employed immediately and pay backdated.

Appendix 1 - Scheme of Delegation

Stages	
Informal Stage	Line Manager and employee
Formal Stages	Line Manager with HR Support, employee and their representative (if required)
Dismissal	<p>The panel will consist of:</p> <ul style="list-style-type: none"> • SMT member not previously involved in the case (more senior manager or Governing Body member if this applies to a member of SMT or Governing Body) • HR Representative • Third panel member if appropriate for professional groups e.g. nurses
Appeal	<p>The panel will consist of:</p> <ul style="list-style-type: none"> • A more senior manager than the hearing manager, except in the case of dismissal • Chief Officer or nominated deputy (in the case of dismissal) • HR Representative • Third panel member if appropriate for professional groups e.g. nurses <p><i>(In cases relating to the Chief Officer and Chair, consideration will be given to appropriate external panel members)</i></p>

Appendix 2 - Managing Performance Stages

STAGE	PROCESS	TIMESCALES
<p>Regular performance monitoring as part of day to day line management</p>	<p>Line manager identifies performance concerns with individual they manage through day to day line management.</p> <p>Support mechanisms are utilised and discussions documented and a review date is agreed.</p> <p>With line manager’s support, the employee is working at an optimum level and improvement is sustained. No further action required.</p> <p>If there is no improvement or improvement is not sustained then the line manager is to proceed to the formal stage.</p>	<p>To undertake the meeting at the earliest opportunity and as soon as objective evidence is available and document the conversation</p>
<p>Formal Stage</p>	<p>Further support to the individual provided by the line manager. If the individual is working at an optimum level and improvement is sustained then no further action is required.</p> <p>If after further support from the line manager there is no improvement, proceed to a first written or final written warning.</p>	<p>After expiry of an agreed improvement period</p> <p>After expiry of an agreed improvement period</p>
<p>Dismissal</p>	<p>Further support to the individual provided by the line manager. If the individual is working at an optimum level and improvement is sustained then no further action is required.</p> <p>If after further support from the line manager there is no improvement, proceed to dismissal and terminate the employment contract and offer right of appeal.</p>	<p>After expiry of an agreed improvement period</p>

Appendix 3 - Performance improvement plan – template with examples

Name:

Date informal plan started:

Target area Detail specific area where performance standards have not been met	Performance concern Detail specific dates and examples of where the standards have not been met	Expected performance standard Detail what is expected of the employee in terms of their performance i.e. what does 'good' look like	Agreed improvement actions Detail what actions need to be taken to meet expected standard of performance	Support Detail what has been agreed in terms of support required to achieve the expected standard of performance	Review date	Review notes Detail improvement made and any future review dates	Date to achieve expected standard
<i>EXAMPLE: Organisational skills - difficulty organising workload on a daily basis.</i>	<i>EXAMPLE: Two deadlines missed (insert details) and complaint received from Department X who did not receive a response to an email sent twice on (insert dates).</i>	<i>EXAMPLE: To effectively manage workload on a daily basis, meet deadlines efficiently, prioritise tasks and respond to emails in a timely manner. Measured by management observation of performance of tasks.</i>	<i>EXAMPLE: Operate daily 'To Do' check list and a diary. To respond to emails received within 3 working days.</i>	<i>EXAMPLE: Training in Outlook task lists and calendar. To work shadow colleague Y in prioritising her daily tasks.</i>	<i>EXAMPLE: To be reviewed in 4 weeks (insert date).</i>	<i>EXAMPLE: Outlook training completed on (insert date), daily to do lists being written. Responding to emails faster, but further improvement needed. Work shadowing will continue. Review in 2 weeks.</i>	<i>EXAMPLE: Standard expected to be achieved within 8 weeks (insert date)</i>

This action plan has been agreed by	Signed	Date
Line Manager:		
Employee:		

Appendix 4 - Performance Management – Manager’s Guide

At the CCG, we want to create an environment that encourages and supports everyone to do a great job and where team members are clear on the performance standards expected of them in their job.

We want to ensure that a fair and consistent approach is taken in maintaining these standards and provide you with the appropriate support and guidance to enable you to achieve that within your team.

Within any team you will have some team members who perform particularly well and at times there may be team members who struggle to perform consistently at the required level. Dealing with underperformance in your team is important and we recognise that it is not always easy.

This guide will help you to understand more about your responsibilities as a line manager and the importance of managing performance.

We want you to understand our approach. The CCG Performance Management Policy gives you more detail on the principles and the procedure to follow. This guide will help you to understand what you need to do if you have a team member who is underperforming or you have been asked to conduct a performance management/appeal meeting.

What is Capability?

Each job will have a required level of performance which an individual must achieve consistently for their performance to be considered satisfactory. Occasionally a team member may struggle either attaining that required standard or sustaining it consistently, and in these instances additional support is required.

When the team member does not have the level of knowledge, skills or ability to deliver and sustain an acceptable level of performance, then this is “Capability”.

Where ill health is or may be the reason for under performance, the performance management process may not be appropriate. Please seek guidance from HR /Occupational Health in these cases.

Your Role

You should give your team regular encouragement, coaching, training, guidance and support to help them do a great job. People need to understand what they need to do and to what standard, and what could happen if performance is consistently below the standard the CCG expects. Be firm but fair in your approach and assessment of an individual's performance. If someone is performing well, ensure that they know this and conversely if someone isn't performing well, don't ignore this and ensure that this is addressed at the earliest opportunity.

Throughout this whole process, you must

- Talk to the team member about what they are not achieving as soon as this is identified so that they are clear about the areas of required improvement, and establish why this might be happening so that appropriate additional support can be put in place.

- Be clear on what the required standard of performance is that needs to be achieved on a consistent basis.
- Be clear on the timeframes for improvement.
- Capture clearly the areas of improvement and standards required on a performance plan. Include as much detail as is necessary so that both you and your team member know exactly what has been agreed and within what timeframe.
- Monitor their progress.
- Regularly review performance with them. Diarise meetings early and commit to them.
- Give fair and constructive feedback. Clarity of message is important. There should be no room for ambiguity.
- Complete detailed and accurate records of your review meetings and update the performance plan as necessary.
- Clearly record what steps you have taken to support them in improving their performance
- Explain the consequences of failing to meet the required standards of performance i.e. it could result in more formal action e.g. a formal meeting. You should also explain that if as part of the formal process there is a continued failure to improve to the required standard, then this could ultimately lead to dismissal.

Assessing Progress against a Capability Plan – Guiding Principles

It is important that the team member is able to demonstrate that their performance is improving during the course of the performance plan. At the end of the duration of a plan, there are several possible outcomes.

1. If unacceptable progress has been made towards achieving the performance plan and their performance remains below standard, then they should be progressed to the next stage of the performance management process.
2. If there is some improvement in performance, and you as their line manager are confident that additional time will make a difference, the plan can usually be extended once, normally by up to 50% of the original duration of the plan. If you believe there is justification for extending longer or for a second time then talk to your manager to get their view.
3. If there has been improvement in a team member's performance and they have achieved everything that was set out in their performance plan and their **performance in all aspects of the role is now at an acceptable standard**, then the team member should be advised of their good progress. They should also be advised that you will continue to monitor their performance and that the improvement in their performance must continue and be sustained at the required level. It is critical that ongoing reviews are carried out and a record kept.
4. If performance is sustained, no further action need be taken. However, if performance drops again and there has been no significant change to the requirements of their role, the team member can be progressed directly to the next stage of the performance management process.

Please note that if a team member is absent from work during the plan, the plan can be extended to take into account the period of absence

Procedure Overview

There are a number of steps in the performance management process.

- See if you can deal with underperformance informally through day to day line management. If this does not achieve the improvement required, then move to formal stage. It is important that you clearly explain what the next steps in the process will be.
- The formal stage. There are a number of separate formal meetings during which the team member has ample time to improve their performance.
 - First formal meeting. A possible outcome of this is a first written warning.
 - Second formal meeting. A possible outcome of this is a final written warning.
 - Final formal meeting. A possible outcome of this is dismissal.
- The team member has the right to appeal against the decision at any part of the formal stage.

You need to

- Arrange and conduct the performance or appeal meeting
- Make a decision on how to proceed
- Confirm your decision to the individual

Team member raises a grievance

The team member may raise a grievance directly relating to them being performance managed. If the grievance raised is against you as their line manager and it happens at any stage in the process, then normally the performance management process will be put on hold whilst the grievance is investigated. If the grievance is not upheld then the performance management process would resume. If the grievance is upheld then depending on the nature of the grievance it may not be appropriate to continue with the performance management process.

Day to day line management

When it first becomes apparent that a team member is not performing satisfactorily, you should:

- Discuss this with the team member at the earliest opportunity and be really clear on the areas of underperformance. Ascertain whether there are any underlying causes of underperformance that may be covered under the Equality Act 2010. Evidence may also include performance targets set at the appraisal or one to one meetings etc.
- Discussions concerning a team member's performance should ideally be in person, or if this is not possible and the situation is serious enough and cannot wait, at the very least by telephone. It is not acceptable to discuss underperformance by e-mail or by text message.
- Set a course of action to improve performance which should be clearly documented. Set clear objectives with measures and timelines (not exceeding the maximum of 12 weeks), and agree what training, coaching or support is needed.
- It is important that during this time you have regular meetings with the team member to monitor their progress. These meetings would be expected to happen weekly.

Formal Stage

If the team member is showing insufficient improvement, then you need to progress to the formal part of the performance management process.

The Formal Meeting

As the team member's line manager you will chair the performance meeting and decide what action is necessary (in line with the scheme of delegation in appendix 1 of the Performance Management Policy).

The Chair should:

- Confirm the meeting in writing to the team member and ensure that at least **5 working days' notice** is given in writing by letter or email.
- Provide copies of relevant documentation to the team member before the meeting. These should be sent with the written confirmation of the meeting and allows the team member to prepare fully prior to the meeting.
- Convene the meeting and explain its purpose.
- Either acknowledge the team member's representative or confirm that they have chosen to come alone.
- Go through the information which explains the areas of underperformance and invite the team member to respond.
- Discuss the actions and support that has been provided to improve performance and what this achieved.
- Consider all of the facts.
- Pause the meeting to consider your decision.
- You may decide that you need additional time to gather further information. In this instance, you should formally adjourn the meeting. There is no limit on how long you should take but it should be reasonable. For example, it's likely that you'll need to take more time in complex cases.
- Even where you do not believe that you need to carry out a further investigation, you should always adjourn the meeting to consider your decision but reconvene that day if you feel you are able to do so.
- Re-start the meeting as soon as possible. If you formally adjourned the meeting, you will need to formally write to the team member to invite them to the reconvened meeting. You should also provide in advance any further information which you have found to be relevant so that the team member can prepare.

If the team member or their representative cannot attend the scheduled time or date of the meeting, they need to explain the reason for this to you as soon as possible. If there is a good enough reason you may need to re-arrange the meeting. If the reason for requesting that the meeting be rearranged was due to the team member's representative not being available, this should only be allowed for once.

You should ask for dates that the representative can attend and then convene the meeting for one of those dates. On-going sickness absence may not be a sufficient enough reason for someone not to attend a meeting. You can in some circumstances insist that the meeting goes ahead in their absence and make a decision based on the information you have gathered but this must always be after you have first sought advice from Occupational Health on the individual's ability to attend the meeting.

If the meeting is rearranged and the team member doesn't attend without good reason, a decision may be made in their absence. However, it is generally better for the team member to come to the meeting but as the line manager you need to keep control of the situation.

Confirming the Decision

- Re-start the meeting; explain the level of warning and the length of time it will stay on their personal file.
- Explain that a detailed performance plan with clear measures for improvement will be put in place for four weeks. Explain that during this time progress will be regularly reviewed on at least a weekly basis to monitor progress.
- It is important that the team member understands that if they do not meet the required performance standards, then they will progress to the next formal stage.
- If there is an option for redeployment, this needs to be discussed with the team member.
- If you are terminating employment (final formal stage), then you need to be clear as to what expectations you now have of the team member. In most cases it is likely that the team member will be paid in lieu of working their contractual notice, but there may be occasion when you may need them to work their contractual notice.
- After the meeting, confirm your decision in writing. This should also include the right to appeal the decision.

First Formal meeting

At the first formal meeting, if it is clear that performance has not sufficiently improved as had been required; a **First Written** warning will be given to the team member. This warning will be "live" and kept on the employee file for **twelve months**. It will also be explained that the team member may move to the next formal stage and a final written warning if performance does not improve.

A detailed performance with clear measures for improvement will be put in place for four to twelve weeks maximum. It is expected that most issues will not require the maximum of twelve weeks and where this is the case – it is more complex cases.

At the end of this period, progress will be assessed in line with the guiding principles above and the team member may be invited to a second formal meeting.

Second Formal meeting

At the second formal meeting, if it is clear that performance has not sufficiently improved as had been required; a **Final Written** warning will be given to the team member. This warning will be "live" and kept on the employee file for **12 months**. It will also be explained that if performance doesn't improve, employment may be terminated.

A detailed performance plan with clear measures for improvement will be put in place for four to twelve weeks maximum. It is expected that most issues will not require the maximum of twelve weeks and where this is the case – it is more complex cases.

At the end of the four weeks, progress will be assessed in line with the guiding principles above. If insufficient progress has been made, you need to contact your HR who will review what has been done so far. Please note that all documentation up to this point will be reviewed to evidence the conversations that you have had with your team member about their underperformance and the actions that were put in place which have not been achieved to a satisfactory standard within the required timeframes. It is your responsibility to keep accurate and detailed documentation.

If dismissal is looking like a possible outcome, HR will review the case and seek legal advice if necessary to ensure that the documentation is robust and would support a dismissal decision if it were challenged. Only when they are satisfied can the team member be invited to attend a **Final Formal** meeting.

Final Formal meeting

At this point, all formal measures have been exhausted and the team member has failed to achieve a satisfactory performance standard taking into account all of the support provided.

Before you move to dismiss, you may want to **consider redeployment into an alternative role**. This should only be discussed as an alternative if there is a suitable vacancy and the team member should be advised that they may be required to go through the normal selection process for that alternative role depending on the circumstances. It may also involve loss of status and/or salary which is something for the team member to consider. It is a matter for the individual to decide if they wish to take the alternative role.

Dismissal is a serious consequence of failing to perform and is the final course of action to be taken.

Contractual notice is given or it may be agreed to make a payment in lieu of the team member working their notice.

Appeals

The team member has the right to appeal against any action taken at the formal stage. They might appeal because they think the decision was inconsistent or too harsh or there is something relevant that was not raised at the meeting. Details of how to appeal will be contained in the outcome letter and they must appeal within five working days of receipt of the letter.

Receipt of an appeal should be acknowledged immediately. An appeal manager will be appointed and a decision will be made as to whether or not the appeal can be dealt with in writing. If it can, they will consider the reason for appeal, investigate further if necessary and send a letter to the individual confirming the outcome of their appeal. HR will support the appeal manager where the appeal relates to a final written warning or a dismissal.

If the appeal is against a final written warning or dismissal, a meeting will normally be arranged. The appeal will be escalated to a more senior manager than the individual who has been involved in the formal stage up to this point.

If you are asked to hear the appeal, you should write to the team member to confirm the arrangements for the appeal meeting including their right to representation.

Before the appeal meeting you should thoroughly review the relevant documentation. At the appeal you should:

- Ask the team member to confirm their grounds for appeal.
- Ask the team member to put forward their case.
- Pay particular attention to any new information which is brought to light.

The appeal meeting gives us a chance to look at any aspect of the case that has changed or is new that may change the original decision. The meeting is not generally a re-run of the performance meeting. Once all the relevant points have been discussed, you should summarise all the facts. The meeting can then be paused to make a final decision.

When the meeting is re-started, confirm and explain your decision, either to uphold or overturn the warning or dismissal. Make sure the team member understands that this decision is final and there is no further right of appeal. Confirm your decision in writing.

Appendix 5 - Performance Management – Employees Guide

Performance management is a collaborative process by which line managers and you as an individual work together to plan monitor and review your work objectives. It is more than just an annual performance review; performance management is the continuous process of setting objectives, assessing progress and providing on-going coaching and feedback to ensure that you are meeting your objectives and career aspirations.

Effective day to day line management and performance management will:

- Be job specific to your role and it is therefore important to review your job description with your line manager to determine if it reflects the work that you are currently doing;
- Align with the CCGs work plan, strategic direction and priorities;
- Provide an accurate picture of your performance and the standard required;
- Include a collaborative process for setting goals and reviewing performance based on two-way communication between you and your line manager;
- Monitor and measure results and behaviours;
- Include both positive feedback and constructive continuous feedback when improvement are required;
- Provide training and development opportunities for improving performance and jointly identifying training objectives that will help you grow your skills, knowledge, and competencies related to your work;
- Establish clear communication between the line manager and you about what you are expected to accomplish;
- Identify and recognise your achievements and identify areas of poor performance and establish plans for improving such performance in line with smart objectives.

Preparing

It is important that you prepare for any performance management meeting with your line manager whether this is informal or formal:

- Think through what you want to address in the meeting, confirm the facts in an objective, factual, non-judgmental way, providing specific examples and making sure you know and can describe what happened or is happening;
- Plan to meet in a location where there will be privacy and minimal interruptions (note you may have to invite a union representative to be with you during the discussion if this is a formal process);
- Be calm, so that you can approach the discussion objectively and with clarity.

Monitoring

Monitoring day-to-day performance does not mean watching over every aspect of how you carry out tasks. Line managers should have their focus on results achieved, as well as your behaviours and team dynamics affecting the work environment. During this monitoring period, you as an employee and the line manager should meet regularly to:

- Assess progress towards meeting performance objectives;
- Identify any barriers that may prevent you from achieving performance objectives and what needs to be done to overcome them;
- Share feedback on progress made;
- Identify any changes that may be required to the work plan as a result of a change in CCG priorities or if you are required to take on new responsibilities;
- Determine if any extra support is required from the line manager or others to assist you in achieving your objectives as part of the agreed objectives.
- Both you and the line manager will need to sign off on any proposed performance management action plan. A copy of the plan should be given to you by your line manager.

Appendix 6 - Equality Impact Assessment

Title of policy	Performance Management Policy		
Names and roles of people completing the assessment	Tazeem Hanif – HR Business Partner Jayne O’Connell (Equality and Diversity Advisor)		
Date assessment started/completed	August 2018	10.09.2018	
1. Outline			
Give a brief summary of the policy	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.		
What outcomes do you want to achieve	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			
	Are there any likely impacts? Are any groups going to be affected differently? Please describe.	Are these negative or positive?	What action will be taken to address any negative impacts or enhance positive ones?
Age	No		
Carers	<p>Employees who have caring responsibilities could have a negative impact on their health and wellbeing. This could have a negative impact on their performance.</p> <p>The impact of caring is not just dictated by the number of hours of care provided. If the individual is working full-time, combining caring with looking after young children, or having to travel long distances to provide care, then even having to provide a few hours of care a week can have a serious impact on their work. Carers are too often nervous of discussing their</p>	Negative if not managed properly	A specific ‘leave’ policy to support staff with caring responsibilities. Every employee will be dealt with individually and should mitigation be submitted by the employee this will be considered by the line manager.

	circumstances with their employer. Stigma still exists. leaving carers struggling, isolated, and more likely to conclude that caring and work cannot be combined.		
Disability	Disabled staff or staff may need reasonable adjustments to enable them to perform their role to its full capacity. Some disabled staff may potentially experience a higher sickness absence rate due to their disability or long term condition.	Negative if not managed properly	A separate 'Absence' policy will be put in place to support staff with a disability. 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. In those circumstances reasonable adjustments would be considered and implemented.
Sex	No		
Race	Yes - TUC research shows that BAME workers are subject to considerable unfair treatment – with more than half of BAME respondents to a TUC survey raising this. There were significant levels of excessive surveillance and scrutiny by colleagues, supervisors and line managers.	Negative if not managed properly	Ensure CCG managers are trained in equality and diversity awareness and do not discriminate against the group by treating them differently.
Religion or belief	No		
Sexual orientation	No		
Gender reassignment	No		
Pregnancy and maternity	Under Equality Act 2010, it is unlawful for an employer to discriminate against a woman by treating her unfavourably during a 'protected period' (from the beginning of pregnancy to the end of maternity leave) because of her pregnancy or an illness she has suffered as a result	Negative if not managed properly	Ensure CCG managers are trained in equality and diversity awareness and do not discriminate against the group by treating them differently.

	of her pregnancy. If fluctuations in performance are due to pregnancy-related issues, then she cannot be treated less favourably as a result of this.		
Marriage and civil partnership	No		
Other relevant group	No		
If any negative/positive impacts were identified are they valid, legal and/or justifiable? Please detail.	This policy makes all reasonable provision to ensure equity of access to all employees. Measures have been 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.		
4. Monitoring, Review and Publication			
How will you review/monitor the impact and effectiveness of your actions	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.		
Lead Officer	Tazeem Hanif	Review date:	November 2021
5. Sign off			
Lead Officer	Jayne O'Connell (Equality and Diversity Advisor)		
	Date approved:	10.09.2018	