

**HR Policy Cluster - Performance & Development  
Employee Performance Management W10  
Procedure – including Flowchart, FAQ's and Relevant Forms/Paperwork**

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## Managing Inadequate Performance

### 1. Can I bring a Legal Representative to any meetings under this policy?

Legally you have the right to be accompanied by an accredited representative of your recognised trade union or professional organisation or by a colleague employed by the Trust at formal stages of the Policy.

You can make a request to the HR Advisory Team Manager to be accompanied by a Legal Representative, any request will be considered on a case by case basis. It is anticipated that legal representation will only be applicable in a small number of cases with specific circumstances, it should therefore be noted there is no automatic right by law to legal representation.

### 2. What happens if it is identified my performance is deteriorating due to ill health?

Your manager will refer you to the Occupational Health Team for advice and support with your ill health, to identify if there are any reasonable adjustments that could be considered and discuss the recommendations with HR to agree how the matter should be managed. The matter may be handled in accordance with the appropriate HR policy (HR31 Managing Attendance and Employee Wellbeing, HR32 Ill Health Retirement or HR40 Employment of People with Disabilities). In such cases an Occupational Health assessment will be sought ahead of any decision, and alternatives may include making reasonable adjustments to the current role or redeployment into a suitable alternative position.

### Informal Performance Management Meeting

### 3. How will I be made aware of the meeting?

Your manager will write to you, phone you or mention to you in person that they need to meet with you to discuss some concerns with regard to your performance. If appropriate and time permits the meeting may take place straightaway or a day or two later.

### 4. Who is at the meeting?

This is an informal meeting with you and your manager. It is not necessary for a member of the HR team or an employee's representative to be present at this initial meeting. If an individual wants support from a colleague employed by the Trust they may attend the meeting to support the individual as long as it does not delay the meeting/conversation taking place.

### 5. What happens at the meeting?

Your manager will set out in a clear and understandable way where and how your performance falls short of the required standard and what that standard is. Your manager will ask for your views on the points raised, allow you to clarify the standards expected and allow you to bring to their attention any issues or concerns that may be affecting your performance. Your manager should also consider whether any shortfall is due to unreasonable expectation or lack of proper explanation on their part and whether performance might be improved by suitable development, training or improved supervision.

### 6. Will I be given training as a result of the meeting?

Not all concerns will require training; your manager will discuss any appropriate training and support that may be available to see if this is necessary.

**7. Will I go to occupational health as a result of this meeting?**

This is not always necessary, if during your discussion it is identified that a referral is required or would be beneficial; a referral will be made by your manager. Employees are reminded that support from the Staff Counselling Service is available and can be requested via your manager or via Occupational Health.

**8. What happens after the meeting?**

Your manager will confirm in writing that the meeting has taken place (using Appendix A if appropriate), this will consist of

- The purpose of the meeting
- A clear statement of the standards to be achieved
- A realistic time scale for those improvements (usually between one and 4 weeks depending upon the nature of the concerns)
- Details of any support or training to be provided to enable individual to improve
- Provision for regular review meetings
- Details of how performance will be measured
- The potential consequences of failing to meet the agreed performance level

**9. What happens if my performance does meet the required standards?**

Your manager will meet with you within the timescales agreed to confirm that this is the case. A record will be kept on your personal file of the discussion and no further action will be taken, although your performance will continue to be monitored in the usual way.

**10. What happens if my performance does not meet the required standards?**

Should the standards of performance set out in the meeting not be achieved within the agreed timescales. A Formal Performance Management Meeting will be held in accordance with this Trust Procedure.

**Formal Performance Management Meeting**

**11. Can my manager move straight to the Formal Performance Management Stage?**

Yes, if your performance on a specific occasion is so serious as to warrant immediate formal action (i.e. equivalent in severity to gross misconduct).

**12. How will I be made aware of the meeting?**

Your manager will write to you requesting your attendance at this meeting, at the formal stage, management will give a minimum of 7 calendar days' notice but may schedule an earlier date if you agree.

**13. Do I have the right to be accompanied at this Meeting?**

You are entitled to be accompanied by an accredited representative of your recognised trade union/ professional organisation or by a colleague employed by the Trust at this meeting.

**14. Who is at the meeting?**

The manager who is managing your performance, a member of the HR department may also be present in addition to yourself and your representative or colleague.

**15. What if either myself or my representative are unable to attend the date or time of the meeting?**

You should make reasonable effort to attend any meeting arranged in accordance with this procedure. Where you or your representative cannot attend a formal meeting, it will be rescheduled to a mutually convenient date as quickly as possible after the original date.

**16. What happens at the meeting?**

The purpose of this meeting will be to discuss and/or agree the:

- Area(s) in which your performance is unsatisfactory;
- Discuss any issues which may have affected your performance;
- Required performance improvement, and how this will be measured;
- Performance Improvement Plan
- Timescales for improvement (usually between 4 and 12 weeks depending upon the nature of the concerns and the training/support requirements identified);
- Regular review date(s);
- Consequences of failing to meet the agreed performance level

**17. What are the possible consequences of the final formal meeting?**

See question 32 and 33

**18. How many meetings will there be under this stage of the process?**

There is no set number of meetings at this stage, however it is expected that there will be at least one formal review meeting within the agreed timescales. This will normally be at the end of the review period to confirm the outcome of this stage. Informal meetings can take place throughout the process.

**19. If I raise concerns or issues that have affected my performance will the formal management of my performance stop?**

No, your manager will work with you to identify training or support to assist you in achieving the required expectations.

**20. Can the timescales for achieving the required standards be extended?**

In exceptional circumstances, taking into account the nature of the concerns and the training/support requirements identified, longer timescales may be agreed or the timescales may be extended at the Formal Review meetings if appropriate. This will not normally exceed 12 weeks.

**21. Will I be given training as a result of the meeting?**

Any training or support requirements will be set out in the Performance Improvement Plan.

**22. Will I go to occupational health as a result of this meeting?**

This is not always necessary, if during your discussion it is identified that a referral is required or would be beneficial; a referral will be made by your manager. Employees are reminded that support from the Staff Counselling Service is available and can be requested via your manager or as a self-referral via Occupational Health.

**23. Can I request to be redeployed to an alternative role?**

Alternative employment can be considered if appropriate. This must take into consideration the required performance in the new role considering areas where performance concerns had been raised in the existing role, especially where the requirements are similar in nature, i.e. communication skills, record keeping etc.

If redeployment is suitable your manager will discuss the possible roles that may be suitable for you and if appropriate you will be listed on the Trust redeployment register. If there is a known suitable vacancy, this can be discussed with the manager of the area and if appropriate offered to you. The management of your performance will continue during the time that you are on the redeployment register; if no suitable role is identified at the end of the timescale set a Final Formal Review meeting will be arranged.

If a suitable alternative role is identified you will be redeployed to this role for a four week trial, if no performance concerns are identified you will be permanently redeployed. If the trial is not successful the management of your performance will continue.

Should there be a reoccurrence of the inadequate performance, in the new role of the same or a similar nature within 12 months of the final meeting, the management of your performance will continue at the Formal Performance Management meeting.

#### **24. What happens after the meeting?**

Your manager will record the content of your discussions (this may take the form of an outcome letter or summarised on the form in appendix b). Your manager will send you a copy of the agreed Performance Improvement Plan, Appendix C.

#### **25. How will my performance be reviewed?**

As part of the Formal Performance Management Meeting you will agree timescales and dates for reviewing your performance at Review Meetings. Your manager will arrange to meet with you to discuss your performance and give you feedback, these will not necessarily be formal meetings and therefore your representative and HR will not always be present. There is no set number of meetings to monitor performance, that are required at the Formal Performance Management stage; it is dependent upon the nature of the concerns. It is expected that there will be at least 1 Formal Review meeting within the agreed timescales.

You may also be allocated a coach, mentor or buddy to work with; you may also have informal meetings as appropriate. A mentor or buddy will feedback to your manager in preparation for the Formal Review Meeting.

#### **26. What happens if my performance does meet the required standards?**

Your manager will meet with you to confirm positively that this is the case. A record will remain on your personal file of the discussion and no further action will be taken, although your performance will continue to be monitored in the usual way.

Should there be a reoccurrence of the inadequate performance, of the same or a similar nature, within 12 months of final meeting the management of your performance will continue at the Formal Performance Management Meeting Stage.

#### **27. What happens if I meet the required standards but my manager and/or I feel that further support or development would be beneficial, (outside of any Performance Management Process)?**

This can be mutually agreed between yourself and your manager as part of your on-going development and training.

#### **28. Where will records of performance management action be kept?**

The records will be retained on your personal file.

**29. What happens if my performance does not meet the required standards?**

Your manager will write to you following the Formal Performance Management Review Meeting(s) to confirm that the required standards of performance have not been achieved. This letter will confirm that your manager will be arranging a Final Formal Review meeting, or extending the monitoring period, (not normally more than 12 weeks in total duration). Extensions to this are expected to be rare. Advice should be sought from Human Resources prior to moving to the Final Formal Performance Management Meeting.

**Final Formal Performance Management Meeting**

**30. How will I be made aware of the meeting?**

The Chair of the Meeting will write to you requesting your attendance and also enclosing two copies of the management statement of case (one of which is for your representative). At this final formal stage, management will give a minimum of 14 calendar days' notice but may schedule an earlier date if you agree. Where the case and supporting evidence is complex, the chair of the panel may agree an extended timeframe following discussions with the manager presenting the case at the hearing and you or your representative.

You are required to attend any meeting arranged in accordance with this procedure. If it is necessary to postpone any meeting then another will be arranged by the Trust. Where you fail to attend a final formal meeting without reasonable cause notified before the date of the meeting, the meeting will go ahead in your absence and a decision made on the evidence presented.

**31. Who is at the meeting?**

A manager who has not been involved in your Performance Management to date will chair the meeting; they will be accompanied by a member of the HR Department. The manager who carried out your Formal Performance Management meetings will attend; they will be accompanied by a member of the HR department if necessary.

- You are entitled to be accompanied by an accredited representative of your recognised trade union/ professional organisation or by a colleague employed by the Trust at this meeting. You can make a request to the HR Advisory Team Manager to be accompanied by a Legal Representative and your request will be considered, although there is no automatic right by law.

**32. What happens at the meeting?**

The manager who carried out your Formal Performance Management and Review meetings will:

- outline the action that has been taken with regard to managing your performance
- support offered
- set out the current level of your performance at work

You or your representative will have the opportunity to respond to the information presented including asking any relevant questions and submit any mitigating factors that you wish the Chair to take into consideration.

The Chair may ask further questions for clarification.

Having heard all of the evidence regarding your performance, the chair of the meeting will adjourn to consider the information and decide whether your performance adequately meets the required standards. They will reconvene, if possible that day, to notify you of the decision.

**33. What happens if the Chair decides my performance meets the required standards?**

If the chair concludes that your performance adequately meets the required standard, the chair will confirm to you and your manager that this is the case.

A record of the meeting will remain on your personal file and no further action will be taken, although your performance will continue to be monitored in the usual way.

Should there be a reoccurrence of the inadequate performance, of the same or a similar nature, within 12 months of final formal meeting the management of your performance will recommence at the Formal Performance Management Stage.

**34. What happens if the Chair decides my performance is below a minimum acceptable standard?**

They will consider the following options:-

***Further Training/Monitoring/Support***

- A new PIP will be developed with your manager outlining the requirements with appropriate timescales (normally 2 to 4 weeks, except in exceptional circumstances).
- A Final Performance Management meeting will be reconvened at the end of the new PIP to consider the achievement of standards at that time. If you fail to meet the required standards the outcome from the reconvened meeting will include one of the following outcomes. If the standards are met please refer to question 33.

***Redeployment and/or Down Grading***

Redeployment and/or downgrading may be considered as an alternative to dismissal on grounds of capability (performance) if an appropriate post is available. Redeployment may be to the same or a lower banded post, in which it is identified that the employee will be able to perform effectively after undertaking a 4 week trial.

Where an employee is redeployed and/or downgraded in line with this policy the changes to terms and conditions will be a permanent change. There will not be any protection of pay for any employee redeployed through this policy. They will receive the appropriate salary for the grade of the job which is available to them. No travel expenses will be payable if the redeployment post or downgraded post is at a different site.

Should there be a reoccurrence of the inadequate performance, of the same or a similar nature, within 12 months of the final meeting the management of your performance will continue at the Formal Performance Management stage.

***Termination of Contract of Employment on the Grounds of Capability (Performance)***

If the employee refuses redeployment and/or down-grading, or if an appropriate post is not available or not appropriate in the circumstances, the employee's contract will be terminated with appropriate notice on the grounds of capability (performance).



**35. What happens after the meeting?**

The Chair of the meeting will write to you as soon as possible (this should not normally exceed 7 calendar days) setting out their decision and your right of appeal. This letter will include to whom your appeal letter should be sent and the timescale within which you must appeal (your appeal must be received in writing within 14 calendar days of receiving the letter setting out the decision of the Final Formal Performance Management Meeting).

**Right of Appeal**

**36. Can I appeal against the outcome of the Final Performance Management Meeting?**

Yes. You must write to the manager named in your outcome letter within 14 calendar days of receiving the letter setting out the decision of the Final Formal Performance Management Meeting.

Your letter must include the grounds upon which you are appealing and why you consider the decision to be unfair. The purpose of the appeal hearing is not to re-hear all the evidence submitted at the Final Formal Meeting but to consider the grounds upon which you are appealing and to hear the rationale for the decision by the Chair.

**37. How will my appeal be managed?**

You will be invited to attend an Appeal Meeting which will be chaired by a manager not previously involved in the management of your performance. You will be entitled to be accompanied by an accredited representative of your recognised trade union/professional organisation or by a colleague employed by the Trust at this meeting.

**38. What happens at the meeting?**

You, or your representative will present your appeal.

The Original Chair who made the decision at the Final Formal Performance Management Meeting will attend the meeting (with appropriate HR support) to set out the grounds for their decision and respond to your appeal.

The manager chairing your appeal may ask clarification questions before adjourning the meeting to consider your grounds for appeal. As an outcome from the appeal meeting they can: uphold, reduce or revoke the decision of the original Final Performance Meeting as a result of any appeal lodged. If the decision is revoked then a record of this meeting and the outcome will be kept on the personal file.

The Appeal manager will confirm their decision in writing (normally within 7 calendar days of the hearing); where possible they will confirm their decision verbally on the same day.

**Resignation**

**39. What happens if I resign from the Trust whilst my performance is being managed?**

Each individual case will be reviewed on its own merits by the manager and where appropriate, the process will be completed and a record of the outcome will be

confirmed in writing to you. In these circumstances you will retain your right to appeal against any outcome.

**40. Why would the Trust continue with the process?**

Completing the process will enable the Trust to make a judgment on whether further action is required, e.g. a referral to the Professional and regulatory body or the issue of an alert letter to protect the public, or referral to the Disclosure and Barring Service.

**Concerns about the process**

**41. What should I do if I have a concern about how the performance management process is being applied to me?**

At each meeting you have the opportunity to raise any concerns you may have with your manager to attempt to address these, and ensure you understand what is happening.

**42. What if I remain concerned?**

If at any stage you and your manager are unable to resolve your concerns about the process, you have the right to raise a Grievance at Stage 2 in accordance with the Trust's policy. You should seek advice from your Trade Union/Professional Representative before you do this.

**43. What might be the outcome of a grievance?**

Possible outcomes of a grievance may be:

- A recommendation that the management of your performance ceases;
- A recommendation to change the way your performance is being managed;
- Agreement with the steps being taken and a request that the management of your performance continues.

**44. Will the management of my performance stop during the Grievance process?**

You may request this by making an application for status quo in accordance with the Trust's Grievance Policy.

**Appendix A**  
**Record of Informal Meeting held under the Employee Performance**  
**Management Policy**

Employee Name	
Job Title	
Date of Meeting	
Managers Name	

Summary of Performance concerns discussed
Concerns or Issues raised by the Employee
Statement of the Standards to be achieved
Timescale within which standards should be achieved
Details of Support or Training agreed

..... continued

Dates of Review Meetings (if required)
Details of how Performance will be measured

Should the required standards of performance not be achieved within the timescales set out above a Formal Performance Management Meeting will be held in accordance with the Trust Policy and Guidance Document to support the policy for Employee Performance Management (W10).

Employee Signature:

Manager's signature:

Date:

A copy of this form will be retained on your personal file and a copy will be given to you to keep for your information

**Appendix B**  
**Record of Formal Meeting held under the Employee Performance**  
**Management Policy**

Employee Name	
Job Title	
Date of Meeting	
Managers Name	
	If employee is alone – were they aware of their right to be accompanied and chose to attend alone? Y / N

Summary of Performance concerns discussed
Concerns or Issues raised by the Employee
Statement of the Standards to be achieved
Timescale within which standards should be achieved

Dates of Review Meetings

Should the required standards of performance not be achieved within the timescales set out above a Formal Final Performance Management Meeting will be held in accordance with the Trust Policy and Guidance Document to support the policy for Employee Performance Management (W10).

Employee Signature:

Manager's signature:

Date:

A copy of this form will be retained on your personal file and a copy will be given to you to keep for your information.

Name of Employee -

**Standards Required (refer to KSF)**

	KSF ref	Area of Work	Specific Activity	Standard Required	Support Provided	Employee Action
1						
2						
3						
4						
5						

/Continued

Signed ..... (Line Manager)

Date .....

Signed ..... (Employee)

Date .....

REVIEW OF PERSONAL IMPROVEMENT PLAN

	Review 1	Review 2	Review 3	Review 4	Review 5	Final Review
	DATE:	DATE:	DATE:	DATE:	DATE:	DATE:
1						
2						
3						
4						
5						
Date						



EXAMPLE OF A COMPLETED PERSONAL  
Appendix D

Name of Employee - Jo Bloggs

Standards Required (refer to KSF)

	KSF ref	Area of Work	Specific Activity	Standard Required	Support Provided	Employee Action
1	1	Communication	Jo does not always respond appropriately to patient/ colleague call/message/request and record appropriately	<p>Jo must respond appropriately and efficiently to calls, messages and requests by patients and record the details of actions</p> <p>No complaints will be received regarding delays/ none response</p>	<p>Weekly 1:1</p> <p>Support from:</p> <p>NAME, JOB TITLE</p> <p>Performance Measures:</p> <ul style="list-style-type: none"> <li>Review of advice given to patients at clinic/answer machine message</li> <li>Complaints</li> <li>Documentation review at 1:1</li> <li>Phone log review monthly</li> </ul>	<ul style="list-style-type: none"> <li>Jo will ensure that she gives clear information to patients and colleagues regarding her response time to issues raised.</li> <li>Jo will triage and respond to all patient requests by contacting patient/colleague within 24 hours or sooner in emergency/ urgent situations. (except for weekends)</li> <li>Jo will record all communication she has with patients &amp;/or colleagues for advice or action.</li> <li>Jo must document all actions she undertakes with dates and times.</li> <li>Jo will amend her answer machine message to instruct patients to leave the date and time of message.</li> <li>Jo asked to change layout of Communication log to landscape</li> <li>Add extra column to log to document time and date of message left.</li> <li>Add a column to document further actions/comments</li> </ul>

2	1	Communication	Jo does not effectively communicate her personal feelings and development needs	Jo must proactively communicate her feelings, concerns and development needs	<p>Weekly 1:1</p> <p>Support from:</p> <p>NAME, JOB TITLE</p> <p>Performance Measures:</p> <ul style="list-style-type: none"> <li>Review at weekly 1:1</li> </ul>	<ul style="list-style-type: none"> <li>Jo must share her concerns and development needs to enable appropriate support to be given.</li> <li>Jo must accept the support offered to assist her to work effectively in her role.</li> <li>Jo has attended counselling sessions; Suggested coaching may be a supportive measure for the longer term. Jo will e mail Development and Training for contact details.</li> </ul>
3	1	Communication	Jo does not provide a handover to her colleagues prior to going on leave	Jo must provide a detailed written and verbal handover prior to going on leave to appropriate colleagues	<p>Weekly 1:1</p> <p>Support from:</p> <p>NAME, JOB TITLE</p> <p>Performance Measures:</p> <ul style="list-style-type: none"> <li>Review of handover provided prior to leave</li> </ul>	<ul style="list-style-type: none"> <li>Jo must produce a detailed handover to all her colleagues that require information whilst Jo on leave.</li> <li>Jo will produce a template for her handover and will discuss with her colleagues ways to use this format throughout the team to improve communication whilst one member of team on leave.</li> </ul>
4	5	Quality	Jo does not always start her outpatient clinic on time	Jo must start clinic on time, every time	<p>Weekly 1:1</p> <p>Support from:</p> <p>NAME, JOB TITLE</p> <p>Performance Measures:</p>	<ul style="list-style-type: none"> <li>Jo must arrive at clinic ready to start on time on every occasion.</li> <li>Jo will avoid all issues that could cause her to be late to clinic.</li> </ul>

					<ul style="list-style-type: none"> <li>Review clinic start times weekly with OPD Manager</li> <li>Review number of patients at every clinic is at appropriate level for time</li> </ul>	
5	5	Quality	Jo does not always prioritise her workload and manage her time effectively	Jo must manage her time and workload to work within her contracted hours	<p>Weekly 1:1</p> <p>Support from</p> <p>NAME, JOB TITLE</p> <p>Performance Measures:</p> <ul style="list-style-type: none"> <li>Review daily hours worked during weekly 1:1</li> <li>Review all projects in progress and establish realistic target completion dates. All target dates will be met.</li> <li>Review summary sheet following MDT</li> </ul>	<ul style="list-style-type: none"> <li>Jo must develop her ability to manage her time effectively.</li> <li>Jo must effectively prioritise own workload and organise and carry out own workload in a manner that maintains and promotes quality.</li> <li>Jo must establish realistic target completion dates for all projects/work.</li> <li>Jo must de-clutter her desk and shelves and avoid future build-up of clutter.</li> <li>Following MDT on Monday Jo will produce a summary sheet detailing appointments to be arranged for patients discussed</li> </ul>

6	5	Quality	Jo does not produce written work and present within agreed timescales	Jo must produce written work on time to the agreed standard	<p>Weekly 1:1</p> <p>Support from</p> <p>NAME, JOB TITLE</p> <p>Performance Measures:</p> <ul style="list-style-type: none"> <li>• Review all projects in progress and establish realistic target completion dates. All target dates will be met.</li> <li>• Jo will attend all Management meetings unless on leave and will present her work on due date.</li> </ul>	<ul style="list-style-type: none"> <li>• Jo will produce finished pieces of written work/projects to agreed standard and timescales.</li> <li>• Jo will present her work on the date arranged at Management Meetings and other forums.</li> <li>• Jo must attend at least 2 Management Meetings per quarter.</li> <li>• Jo will provide detailed written minutes when she attends regional meetings representing SATH xxx Service.</li> </ul>
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Signed .....LINE MANAGER..... (Line Manager)

Date .....01.10.15.....

Signed .....JO BLOGGS..... (Employee)

Date .....01.10.15.....

**REVIEW OF PERSONAL IMPROVEMENT PLAN**

	<b>Review 1</b> <b>01.11.15</b>	<b>Review 2</b> <b>21.11.15</b>	<b>Review 3</b> <b>01.12.15</b>	<b>Final Review</b> <b>14.12.15</b>
<b>1</b>	<p>Review each section of PIP document and state what has been achieved and where there have been further issues identified or ongoing support maybe required. For example:</p> <p>Jo has received one compliant on 14.10.15; this was discussed with Jo and relates to delays in responding to answering machine messages. Therefore this area of communication continues to fall below the standard expected and will continue to be monitored.</p> <p>Jo has amended her answering message and document log as required at meeting on 01.10.15</p> <p>To be reviewed at next meeting.</p>			
<b>2</b>	<b>Detailed notes of achievement/under achievement of no. 2 on PIP and support etc. going forward</b>			
<b>3</b>				
<b>4</b>				
<b>5</b>				
<b>6</b>				
<b>Date</b>	<b>Signed and dated by Manager and Employee</b>			

**Appendix E**

**Flowchart of**

