

Employee Performance Management Policy

Policy W10

Additionally refer to:

Development and Training Support Policy
Annual Appraisal and Pay Progression Policy
Probationary Periods Policy
Equality, Diversity & Inclusion Policy
Employee Wellbeing and Attendance Management Policy
Grievance Policy

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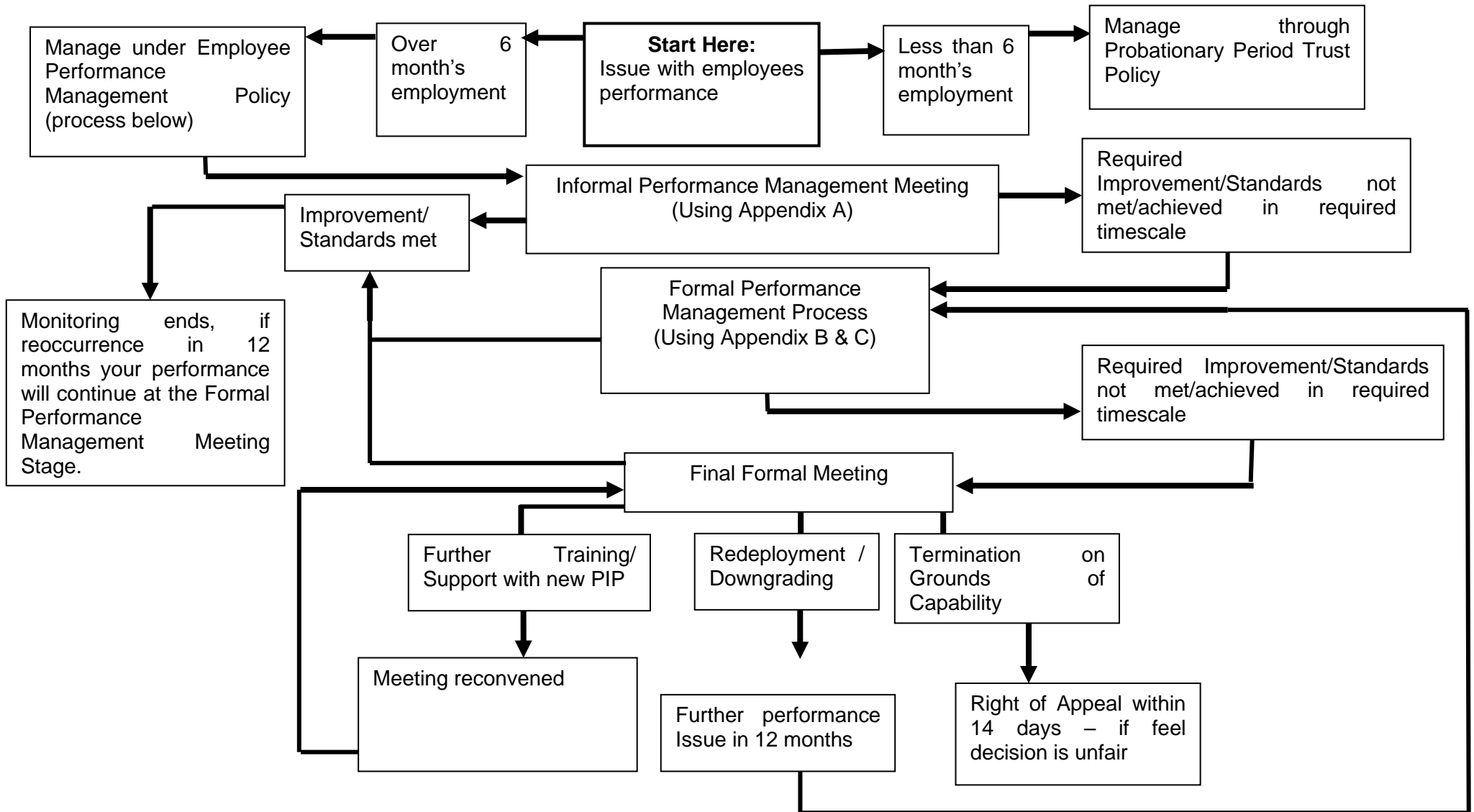
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Flowchart of Performance Management Process



1. Policy Statement

- 1.1 The Trust requires that all staff perform to at least the minimum standards required by the role for which they are employed. This policy is designed to encourage improvements in standards of performance and to ensure that reasonable sanctions are applied when required standards are not met. The focus of this policy is always to support employees in achieving the required level of performance.
- 1.2 The purpose of this policy is NOT to handle matters relating to:
- misconduct, unacceptable behaviour, wilful or serious negligence.** These cases will be handled in accordance with the Trust's Disciplinary Policy.
- capability issues** where they are due to ill health or disability. Such issues may be managed under the Employee Wellbeing & Attendance Management Policy
- 1.3 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the Trust's Equality, Diversity and Inclusion Policy. Special attention should be paid to ensuring the policy is understood when using it for staff new to the NHS or Trust, by staff whose literacy or use of English is weak or for persons with little experience of working life.
- 1.4 Managers must respect the confidentiality of the employee at all times and not disclose any personal information to a third party, with the exception of where advice is being sought from their line manager, the HR Department or the Occupational Health Department.

2. Scope

- 2.1 This policy applies to all staff directly employed by the Trust including those employed via the Temporary Staffing Department but excluding doctors and dentists, for whom separate procedures apply under the Handling Concerns about Doctors and Dentists Policy.
- 2.2 Employees of 'student' or 'trainee' status will, additionally, remain subject throughout their training to the requirements of the appropriate training programme and, where appropriate, of the professional or statutory body responsible for the training programme. Failure to satisfy any of these requirements may be regarded as grounds for dismissal.
- 2.3 Matters relating to the performance and capability of Trust Board Directors are covered by the arrangements set out in their Statement of Terms and Conditions of Employment.
- 2.4 The procedure does not apply to individuals employed by agencies or other contractors. Performance and capability issues for these individuals should be referred to the appropriate employer and, where appropriate, the individual removed from working within the Trust.

3. Duties and Responsibilities

- 3.1.1 Managers have a responsibility to:
- Understand the policy and how they can apply it (supporting resources, template letters and example documents can be found in the Managers Resources folder or by contacting the HR Team).

- Determine the standards required for any role within their team and make their employees aware of the standards of performance expected of them.
- Ensure employees are competent to undertake the duties and tasks required of them.
- Implement this policy and ensure that all employees are aware of their responsibilities
- Liaise with other relevant departments as required i.e. HR, Pay Services, Pensions, Occupational Health, Health and Safety.
- Ensure that the employee is made aware of any developments or decisions made as relevant.
- Maintain accurate records in accordance with this policy.
- Make available all relevant Trust policies to the employee (these are also available on the Trust's Intranet and the Internet).

3.1.2 Employees have a responsibility to:

- Achieve a satisfactory level of performance and standards required by the Trust.
- Use their best endeavours and skills to help the Trust achieve its objectives.
- Carry out reasonable instructions/requests of supervisors and managers promptly and efficiently.
- Notify managers of any concerns they have regarding their ability to undertake the duties and tasks required of them.
- Accept any reasonable offers of support or additional training in an effort to improve their performance.
- Attend any meeting arranged in accordance with this policy

3.1.3 Human Resources will provide support and guidance on the implementation and application of this policy.

3.1.2 The staff Psychology Service is available to support any member of staff who is experiencing emotional distress in relation to a work-related issue. Individuals wanting to access their support can refer themselves by emailing: sath.staffpsychology@nhs.net or a manager can refer on their behalf. Information about the service is also available on the intranet: [SaTH Intranet - Staff Psychology Service](#)

4. General Principles

4.1 Managers should always be monitoring the performance of all their staff. Employee performance should be managed throughout the entire employee lifecycle, including at local induction, annual appraisal and regular informal feedback.

4.2 At any formal meetings under this policy employees are entitled to be accompanied by either their trade union representative or Trust employed work colleague. At informal meetings employees can make this request, but there is no entitlement. The employee will be responsible for contacting their TU representative or trust employed work colleague.

4.3 Employees may request to be accompanied by a Legal Representative, although there is no right to this. Requests will be considered on a case by case basis by the HR Team. A member of the HR department may also attend formal meetings.

4.4 Documents relating to formal performance management will be held on the employee's file permanently.

4.5 The performance management process should always be focused on supporting the employee to achieve the required level of performance. Managers should work in partnership with employees to achieve this.

- 4.6 It is recognised that this process may be difficult for employees. All parties should work in partnership to carry out this process as quickly and sensitively as possible. Support may be access through any of the following at any time during the process:
- Occupational Health
 - Staff Counselling Service
 - Employee Assistance Programme
 - Peer to Peer Listener
 - Trust Coach
 - Mentor
- 4.7 If an employee has any concerns about the application of this process they should first seek to discuss and resolve these concerns informally. If this fails, the employee may raise a grievance under the Trust's Grievance Procedure.
- 4.8 Having a live formal Performance Improvement Plan (PIP) at the time of appraisal could affect an employee receiving their next pay step. Manager must discuss this with the employee in advance. Please see the Trust's Annual Appraisal and Pay Progression Policy for more information.

5. Managing Unsatisfactory Performance

5.1 Informal Performance Management Meeting

- 5.1.1 Where the performance of an employee is deemed to be unsatisfactory the manager will hold an informal meeting with the individual to discuss this in more detail and agree the next steps as required. The manager will ensure the employee has received a copy of this policy.
- 5.1.2 Whilst there is no right to be accompanied at informal meetings or discussions, in some circumstances, and with the express permission of the manager, the individual may request support from a colleague or Trade Union representative as long as it does not delay the meeting/conversation taking place.
- 5.1.3 Appendix A outlines what will be discussed at the meeting and the manager will use Appendix A to document the meeting and Appendix C (where an informal performance improvement plan is needed). The employee should be provided with copies after the meeting.
- 5.1.4 If performance meets the required standard the manager will notify the employee and record this on their personal file (using Appendix C if used).
- 5.1.5 When Informal Performance Management action fails and an employee's performance continues to be deemed as unsatisfactory a Formal Meeting will be arranged.

5.2 Formal Performance Management Meeting

- 5.2.1 The manager will organise a formal performance meeting whether either informal action has failed to reach the required standard or if performance on a specific occasion is so serious as to warrant immediate formal action (i.e. equivalent in severity to gross misconduct).
- 5.2.2 As this is a formal meeting the manager should invite the employee in writing, normally giving at least 7 days' notice.

- 5.2.3 Appendix B outlines what will be discussed at the meeting and the manager will use Appendix B to document the meeting and Appendix C (where necessary) to document the performance improvement plan (PIP) (example provided in Appendix D). Where a PIP is used, the employee and manager should work together to agree the content of the performance improvement plan and the employee should be provided with copies after the meeting.
- 5.2.4 There may be a number of informal and formal review meetings to monitor progress and provide continued support. This may be documented as a PIP using in Appendix C. The timescales may also be extended if required, after discussion between the employee and the manager. A formal review meeting should be held at the end of the review period to confirm the outcome of the formal performance management process.
- 5.2.5 At this stage, the employee may request to be redeployed to a suitable alternative role. The manager should consider the request, taking into account the performance issues and the demands in the new role. Any redeployment will be subject to a trial period. If performance issues continue within 12 months of redeployment, the new manager may recommence formal performance management. The HR team will provide advice on the redeployment process.
- 5.2.6 If performance improves to the required standard the manager will meet with the employee and confirm this in writing. Should there be a reoccurrence of inadequate performance of the same or a similar nature within 12 months, formal performance management will restart.
- 5.2.7 If performance continues to be deemed unsatisfactory the manager will notify the employee in writing and a Final Formal Meeting will be arranged. Advice must be obtained from the HR team before progressing to the Final Formal Meeting.

5.3 Final Formal Meeting

- 5.3.1 The Final Formal Meeting will be chaired by a senior manager who will be accompanied by a member of the HR team, neither of whom will have already been involved in this matter. They will invite the employee in writing and share any documents that will be presented by management at the meeting, giving the employee sufficient time to read them and prepare for the meeting.
- 5.3.2 If the employee requests the meeting to go ahead in their absence, or fails to attend without prior notification the meeting will go ahead in their absence and a decision made on the evidence available. The employee may request that a Trade Union representative attends in their absence, to present a case on their behalf.
- 5.3.3 At the meeting the manager who carried out the formal performance process will present their case, describing the performance issues, what has been done to support the employee and the current level of performance. The employee will then have the chance to present any information they feel is relevant.
- 5.3.4 Having heard all of the evidence regarding the underperformance, the chair of the meeting will adjourn to consider the information and decide whether the performance adequately meets the required standards. Possible outcomes include:

1. Performance has reached an acceptable level and formal management ceases.

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

2. Further Training/Monitoring and support

This will normally include a new or updated PIP with a further final review meeting at the conclusion of the review period

3. Redeployment/Downgrading

These may be considered as an alternative to dismissal if an appropriate post is available. This 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.

Once confirmed, the arrangements will be permanent. Pay protection and/or travel expenses will not be payable.

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 performance will continue at the Formal Performance Management stage.

4. Termination of the employee's contract of employment on the grounds of capability

5.3.5 The outcome and reasons for the decision must be confirmed in writing to the employee and explain the right of appeal.

5.4 Right of Appeal

5.4.1 An employee has the right to appeal against the outcome of the Final Performance Management Meeting. The appeal should be made in writing to the next level of management within 10 working days of receipt of written confirmation of the decision. The appeal letter must include the grounds for appeal and why the employee considers the decision 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 of appeal and to hear the rationale for the decision by the Chair.

5.4.2 An appeal meeting will be chaired by a senior manager who will be accompanied by a member of the HR team, neither of whom will have already been involved in this matter. They will invite the employee in writing and share any documents that will be presented by management at the meeting, giving the employee sufficient time to read them and prepare for the meeting.

5.4.3 If the employee requests the meeting to go ahead in their absence, or fails to attend without prior notification the meeting will go ahead in their absence and a decision made on the evidence available.

5.4.4 At the meeting, the manager who made the decision at the final formal meeting will explain the reasons for their decision and respond to the points of appeal. The employee will then have the chance to present any information they feel is relevant. The chair will then consider the evidence and confirm the outcome as one of the following:

- Uphold the original decision
- Withdraw the original decision and impose an alternative outcome (including those listed in 5.3.4)
- Withdraw the original decision and end performance management (see section 5.3.4 option 1)

5.4.5 The outcome and reasons for the decision must be confirmed in writing to the employee. There is no further right to appeal.

6 Concerns Regarding Professional Registration or Regulatory Body

6.1 Where there are concerns regarding an employee's fitness to practice and they hold professional registration, consideration must be given by the responsible manager to discuss this with their relevant professional lead to determine whether a formal referral is necessary.

7 Training

7.1 Training required to fulfil this policy will be provided in accordance with the Trust's Training Needs Analysis. Management and monitoring of training will be in accordance with the Trust's Development and Training Support Policy This information can be accessed via the Learning Zone pages on the Trust intranet.

8 Review Process

The Trust will review this policy every 3 years, unless there are significant changes at either national policy level, or locally.

9 Equality Impact Assessment (EQIA)

This policy applies to all employees equally.

10 Process for Monitoring Compliance

Aspect of compliance or effectiveness being monitored	Monitoring method	Responsibility for monitoring	Frequency of monitoring	Group or Committee that will review the findings and monitor completion of any resulting action plan
Access and uptake to be monitored	At policy review access and uptake of policy entitlement to be reviewed	HR Team	On policy review	JNCC
Organisations expectations in relation to staff training	Management and monitoring of training will be in accordance with the Trust's Development & Training Support and Risk Management Training Policy			

11 References

Legislation

- Equality Act 2010
- Employment Rights Act 1996

Other references

The NHS Employers Website provides further information on managing NHS employees www.nhsemployers.org

NHS Terms and Conditions Service Handbook (AfC)

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).

Please be aware that any formal performance management issues may affect your pay progression if they are live at the time of your appraisal.

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.

PERSONAL IMPROVEMENT PLAN

Appendix C

Name of Employee -

STANDARDS REQUIRED

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

Signed (Line Manager) Date

Signed (Employee) Date

REVIEW OF PERSONAL IMPROVEMENT PLAN

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

EXAMPLE OF A COMPLETED PERSONAL IMPROVEMENT PLAN

Appendix D

Name of Employee - Jo Bloggs

STANDARDS REQUIRED

	Area of Work	Specific Activity	Standard Required	Support Provided	Employee Action
1	Communication	Jo does not always respond appropriately to patient/ colleague call/message/request and record appropriately	Jo must respond appropriately and efficiently to calls, messages and requests by patients and record the details of actions No complaints will be received regarding delays/ none response	Weekly 1:1 Support from: NAME, JOB TITLE Performance Measures: <ul style="list-style-type: none"> • Review of advice given to patients at clinic/answer machine message • Complaints • Documentation review at 1:1 • Phone log review monthly 	<ul style="list-style-type: none"> • Jo will ensure that she gives clear information to patients and colleagues regarding her response time to issues raised. • 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) • Jo will record all communication she has with patients &/or colleagues for advice or action. • Jo must document all actions she undertakes with dates and times. • Jo will amend her answer machine message to instruct patients to leave the date and time of message.
4	Quality	Jo does not always start her outpatient clinic on time	Jo must start clinic on time, every time	Weekly 1:1 Support from: NAME, JOB TITLE Performance Measures: <ul style="list-style-type: none"> • Review clinic start times weekly with OPD Manager • Review number 	<ul style="list-style-type: none"> • Jo must arrive at clinic ready to start on time on every occasion. • Jo will avoid all issues that could cause her to be late to clinic.

				of patients at every clinic is at appropriate level for time	
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	Weekly 1:1 Support from NAME, JOB TITLE Performance Measures: <ul style="list-style-type: none"> Review daily hours worked during weekly 1:1 Review all projects in progress and establish realistic target completion dates. All target dates will be met. Review summary sheet following MDT 	<ul style="list-style-type: none"> Jo must develop her ability to manage her time effectively. Jo must effectively prioritise own workload and organise and carry out own workload in a manner that maintains and promotes quality. Jo must establish realistic target completion dates for all projects/work. Jo must de-clutter her desk and shelves and avoid future build-up of clutter. Following MDT on Monday Jo will produce a summary sheet detailing appointments to be arranged for patients discussed

SignedLINE MANAGER..... (Line Manager)
01.10.20.....

Date

SignedJO BLOGGS..... (Employee)
01.10.20.....

Date

REVIEW OF PERSONAL IMPROVEMENT PLAN

	Review 1 01.11.20	Review 2 21.11.20	Review 3 01.12.20	Final Review 14.12.20
1	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: Jo has received one complaint 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. Jo has amended her answering message and document log as required at meeting on 01.10.15 To be reviewed at next meeting.			
2	Detailed notes of achievement/under achievement of no. 2 on PIP and support etc. going forward			
Date	Signed and dated by Manager and Employee			