

# 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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### Policy Version History

Version	Date	Author	Status	Comment
2.0	Dec 2020	Nick Dowd	Draft	Merged Policy and Procedure, tracked changes presented at WPPG December 2020
2.1	Jan 2021	Nick Dowd	Final	Minor amendments following WPPG feedback. Progressing to ratification.
2.2	Sept 2023	Diana Martin	Final	Staff Psychological Service information added
2.3	Nov 2023	Chris Goulding	Draft	Created a new policy on a page in line with policy template and moved flow diagram to the Appendices
2.3	Nov 2023	Chris Goulding	Draft	Introduced a new section at 5.3 on Redeployment, as this has caused confusion with managers in terms of when to apply redeployment.
2.3	Nov 2023	Chris Goulding	Draft	Updated the narrative throughout the policy.

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## Policy on a Page

### Aim of this policy

The focus of this policy is to primarily support employees to achieve the required minimum standards of performance in their role and to ensure that reasonable sanctions are applied once all options have been exhausted.

### Scope

Applies to all employees on Agenda for Change contracts including Temporary staffing but does not apply to doctors and dentists.

### Policy into practice

**Informal Meeting:** If an employee's performance is unsatisfactory, the manager should meet informally with their employee to discuss and agree areas for improvement. If performance improves and meets the required standard the manager will notify the employee in writing and record this on their personal file.

**Formal Meeting:** If performance does not improve the line manager should hold a formal meeting and agree a performance improvement plan. If performance subsequently improves the line manager will confirm this in writing and no further action is taken. If performance continues to be unsatisfactory a Final Formal Meeting will be arranged.

**Final Formal Meeting:** Chaired by a senior manager accompanied by a member of the HR team and the employee may request representation by a Trade Union/Professional body representative, or work colleague.

Possible outcomes:

- Performance has reached an acceptable level and process is ceased or;
- Further training and monitoring is required with a new Performance improvement plan put in place and a revised timeline or;
- Redeployment/down grading considered as an alternative to dismissal with a 4-week trial or;
- Termination of the employee's contract on the grounds of capability.

**Redeployment:** Redeployment can be explored at the end of the informal stage subject to the agreement of both the employee and line manager. During the formal process, employees can also request to be redeployed which the line manager must consider.

**Right of Appeal:** The employee has the right of appeal. The Appeal meeting is chaired by a different senior manager to the one that chaired the final formal meeting. The chair will be accompanied by a Senior Advisor from HR and the employee has the right to request attendance by a Trade Union/Professional body representative, or work colleague.

Possible outcome:

- Uphold the original decision or;
- Withdraw the original decision and impose an alternative outcome or;
- Withdraw the original decision and end performance management.

Where there are concerns regarding an employee's fitness to practice, consideration must be given by the responsible officer (Head of Profession) to determine whether a formal referral should be made to the employee's professional body,

There is no further right of appeal.

## **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 due to ill health or disability will 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 ensure the policy is understood when using it for staff new to the NHS or Trust.
- 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, HR, Psychological services 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, including apprentices 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.
- 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.

## **3. Duties and Responsibilities**

- 3.1.1 Line 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, Psychological services, Pay Services, Pensions, Occupational Health and Health and Safety.
- Ensure that the employee is made aware of any developments relating to the procedures in this policy both verbally and in writing as appropriate.
- 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 from line managers both 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 HR will provide support and guidance on the implementation and application of this policy.

#### 3.1.4 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](mailto: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 It is good practice that as part of their responsibilities, line managers should monitor the performance of their staff throughout their career with the Trust; typically through supervision, local induction, annual appraisal and regular informal feedback.
- 4.2 At any formal meetings under this policy, employees are entitled to be accompanied by a Trade Union/Professional Body or work colleague. At informal meetings, employees can also request representation. The employee will be responsible for contacting their Trade Union/Professional Body representative or work colleague. A member of HR may also attend formal meetings.
- 4.3 Documents relating to formal performance management will be held permanently on the employee's personal file. However, documents relating to informal processes should only be held temporarily on the employee's personal file until there is a resolution to the performance issue under scrutiny.
- 4.4 The performance management process should always be focused on supporting the employee to achieve the required level of performance. Line managers should work in partnership with employees to achieve this.

- 4.5 It is recognised that this process may be difficult for employees.. Support may be accessed through the following::
- Trade Union or Professional body representative
  - Occupational Health
  - The staff Psychology Service
  - Staff Counselling Service
  - Employee Assistance Programme
  - Peer to peer listener
  - Trust Coach
  - Mentor
  - Work colleague
- 4.6 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.
- 4.7 Having a live formal Performance Improvement Plan (PIP) at the time of appraisal could affect an employee receiving their next pay step. Managers 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 Procedure**

- 5.1.1 Where the performance of an employee is deemed to be unsatisfactory the line manager will hold an informal meeting with the individual to discuss this in more detail and agree the next steps as required. The line manager will ensure the employee has received a copy of this policy.
- 5.1.2 Employees may request support from a Trade Union/Professional body representative or work colleague as long as it does not delay the meeting taking place.
- 5.1.3 Appendix A outlines key areas to cover at the meeting and the manager should also use Appendix A to provide a record of the meeting. Appendix C provides a template for the performance improvement plan to be completed. Copies of these documents should be placed temporarily on the employee's personal file until the process is complete.
- 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).
- 5.1.5 If an employee's performance continues to be unsatisfactory during the informal stage, the line manager can move to the next stage in the procedure and arrange a formal meeting.
- 5.1.6 There may be circumstances when an employee's performance continues to be unsatisfactory, and the prospects of improvement are very unlikely. In this situation, it is incumbent on the line manager to engage with the employee in an informal conversation about alternative options such as redeployment ( see 5.3). If the employee agrees this may avoid the need to move to the formal meeting stage of the procedure.

### **5.2 Formal Performance Management Procedure**

- 5.2.1 The line manager will organise a formal performance management meeting. This is usually at the end of the informal process or in exceptional circumstances a formal meeting can be arranged earlier if it warrants 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 calendar days' notice.
- 5.2.3 Appendix B should be used to cover the key areas for discussion and to record the meeting. Appendix C will have already been completed at the informal stage and should be referred to and updated at this stage of the process (example provided in Appendix D). During the formal process, regular review meetings should be arranged to monitor progress and provide continued support. This may also be documented using Appendix C. At the end of the review period a formal review meeting should be held to confirm the outcome of the formal performance management process. The staff Psychology Service is available to support any member of staff who is experiencing emotional distress in relation to a work-related issue.
- 5.2.4 If performance improves to the required standard, the manager will meet with the employee, confirm this in writing and the process ceases at this point. Should there be a reoccurrence of inadequate performance of the same or a similar nature, within 12 months following this formal review meeting, then formal performance management will restart.
- 5.2.5 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 Redeployment**

- 5.3.1 Redeployment can be considered at the end of the informal stage subject to the line manager and the employee agreeing in writing that the individual will be unable to undertake their role and there is no prospect of this position changing after providing support.
- 5.3.2 The employee would be placed on the Redeployment Register for a period of up to 12 weeks during which time their skills and competencies will be matched to suitable alternative roles. If successful at being appointed to a suitable alternative role, they would undertake a trial period of 4 weeks in the new role. In the event that the employee cannot be redeployed during the 12 week period, this will then be escalated to the final performance meeting.
- 5.3.3 Redeployment can also be considered during the formal stages of the procedure. The employee may request to be redeployed and placed on the Redeployment Register to find a suitable alternative role, or if they have already been on the redeployment register they can remain on the register up to a maximum of 12 weeks. The manager should consider the request, taking into account the performance issues and the demands of a suitable alternative role. Any redeployment will be subject to a trial period of 4 weeks.
- 5.3.4 The maximum period an employee can remain on the Redeployment register is 12 weeks. If the employee has already been registered on the Redeployment register at the end of the informal stage (5.3.1) this will be factored into the total time spent being redeployed.

### **5.4 Final Formal Performance Management Procedure**



- 5.4.1 The Final Formal Meeting will be chaired by a senior manager who will be accompanied by a Senior Advisor of the HR team, neither of whom will have been involved in this matter. The employee may request representation by a Trade Union/Professional body representative, or work colleague. The chair will invite the employee in writing and enclose any relevant documents that will be presented by management at the meeting.
- 5.4.2 At the meeting, the manager who chaired the first formal performance meeting 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.
- 5.4.3 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. The employee may request that a Trade Union representative attends in their absence, to present the case on their behalf.
- 5.4.4 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:
- **Performance has reached an acceptable level and formal performance management ceases.** Should there be a reoccurrence of inadequate performance, of the same or a similar nature within 12 months of this final formal meeting, Formal Performance Management will re-commence. Or
  - **Further Training/Monitoring and support.** This will normally include a new or updated Performance Improvement Plan with a further final review meeting and revised review period. Or
  - **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, which the employee will be able to perform effectively after undertaking a 4 week trial. Once confirmed, the arrangements will be permanent. Or
  - **Termination of the employee's contract of employment on the grounds of capability.**
- 5.4.5 The outcome and reasons for the decision must be confirmed in writing to the employee including the right of appeal.

## 5.5 Right of Appeal

- 5.5.1 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 the employee received 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.
- 5.5.2 An appeal meeting will be chaired by a senior manager who will be accompanied by a Senior Advisor of the HR team, neither of whom will have already been involved in this matter. The employee has the right to request attendance by a Trade Union/Professional body representative or work colleague. They will invite the employee in writing and share any documents that will be presented by management at the meeting.

5.5.3 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.

5.5.4 At the meeting, the chair 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 consider the evidence and confirm the outcome as one of the following:

- Uphold the original decision or
- Withdraw the original decision and impose an alternative outcome or
- Withdraw the original decision and end performance management

5.5.5 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 officer (Head of Profession) to discuss with their relevant professional lead to determine whether a formal referral is necessary.

6.2 The timing of any referral must be considered in the context of allowing the formal process to be first completed. However, referral may be earlier if it warrants immediate formal action (i.e. equivalent in severity to gross misconduct).

## **7 Training**

7.1 Training required to fulfil this policy will be provided at the request of the Organisational Development team, in accordance with the Trust's Development and Training Support Policy.

## **8 Review Process**

8.1 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)**

9.1 This policy applies to all employees equally (see the section on scope in terms of who the policy applies to).

## **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
<b>Access and uptake to be monitored</b>	<b>At policy review access and uptake of policy entitlement to be reviewed</b>	<b>HR Advisory Team</b>	<b>On policy review</b>	<b>JNCC</b>
<b>Organisations expectations in relation to staff training</b>	<b>Management and monitoring of training will be in accordance with the Trust's Development &amp; Training Support and Risk Management Training Policy</b>			

## 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](http://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	

Areas of Concern:
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

Dates of Review Meetings (if required)

Details of how Performance will be measured

Employee Signature.....Date:.....

Manager's signature..... Date.....

## Appendix B

### Record of Formal Meeting held under the Employee Performance Management Policy

Employee Name	
Job Title	
Date of Meeting	
Managers Name	

Areas of Concern:
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
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Employee Signature.....Date.....

Manager's signature.....Date.....





**PERSONAL IMPROVEMENT PLAN**

**Appendix C**

Name of Employee -

**STANDARDS REQUIRED**

	<b>Area of Work</b>	<b>Specific Activity</b>	<b>Standard Required</b>	<b>Support Provided</b>	<b>Employee Action</b>
<b>1</b>					
<b>2</b>					
<b>3</b>					
<b>4</b>					

Signed ..... (Line Manager)

Date .....

Signed ..... (Employee)

Date .....

### REVIEW OF PERSONAL IMPROVEMENT PLAN

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

**EXAMPLE OF A COMPLETED PERSONAL IMPROVEMENT PLAN**

**Appendix D**

**Name of Employee**

**STANDARDS REQUIRED**

	<b>Area of Work</b>	<b>Specific Activity</b>	<b>Standard Required</b>	<b>Support Provided</b>	<b>Employee Action</b>
<b>1</b>	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/ no response	Weekly 1:1 Support from: NAME, JOB TITLE  Performance Measures: <ul style="list-style-type: none"> <li>• Review of advice given to patients at clinic/voice mail 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> </ul>
<b>2</b>	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"> <li>• Review clinics start times weekly with OPD Manager</li> <li>• Review number of patients at every clinic is at</li> </ul>	<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>

				appropriate level for time	
3	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"> <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>

Signed ..... (Line Manager) Date .....01.10.23

Signed ..... (Employee) Date.....01.10.23

## REVIEW OF PERSONAL IMPROVEMENT PLAN

	<b>Review 1 01.11.23</b>	<b>Review 2 21.11.23</b>	<b>Review 3 01.12.23</b>	<b>Final Review 14.12.23</b>
<b>1</b>	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 14.10.23; this was discussed with Jo and relates to delays in responding to voice mail 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.			
<b>2</b>	<b>Detailed notes of achievement/under achievement of no. 2 on PIP and support etc. going forward</b>			
<b>Date</b>	<b>Signed and dated by Manager and Employee</b>			

**Appendix E**

**Flowchart of Performance Management Process**













