

# Employee Performance Management Policy W10

## Part of Policy Cluster for Performance and Development Policies

### Human Resources Policy Cluster Ref. B

Within the Cluster additionally refer to:

- Development and Training
- Appraisals
- Knowledge and Skills Framework
- Performance Related Increments
- Acting Up
- Sponsorship of Healthcare Workers for Professional Registration Training
- Secondment

Within relevant Clusters additionally refer to

- Equality and Diversity
- HS11 Management of Health and Safety: Risk Assessment Forms

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## C Version Control Sheet

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### Policy Version History

#### Workforce Policy W10 part of Policy Cluster. B Version History

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#### Previous individual policy version history overleaf Relevant Policy Version History

Maintaining High Standards of Performance Policy – previously HR06

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Managing Poor Performance Policy – previously HR60

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2	Jan 10		Final	Agreed by Trust Board

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## 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.

1.2 The purpose of the procedure 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 (HR36).

**capability issues** where they are due to ill health or disability. Such issues may be managed under a range of policies including:

HR31 Managing Attendance and Employee Wellbeing

HR32 Ill Health Retirement

HR40 Employment of People with Disabilities

1.3 This policy forms part of the Policy Cluster for Performance and Development.

1.4 Reference should be made to the Probationary Periods (HR74), which applies to staff new to the Trust.

1.5 This policy is supported by the Trust Procedure that is available from the Trust Intranet, including a flowchart providing an overview of the processes, additional guidance, Frequently Asked Questions (FAQ's) and Standard Documents/Forms and Letters.

1.6 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the Trust's Equality and Diversity Policy (HR01). 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.

1.7 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 whether full time or part-time, temporary or permanent including those employed via the Temporary Staffing Department but excluding doctors and dentists, for whom separate procedures apply under HR07 Disciplinary Policy for Doctors and Dentists.

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 procedure and how they can apply it.
- 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 and procedure Observe the policies and procedures of the Trust.

#### 3.1.3 Human Resources have a responsibility to:

- Provide support and guidance to staff and managers on the implementation and application of this policy.
- Monitor the application of this policy cluster and update it as required.

### **4. Regular Performance Management**

4.1 Managers should always be monitoring the performance of all their staff. Employee performance should be managed throughout the entire employee lifecycle, this includes:

4.1.1 Induction – Corporate Induction and local Trust induction. Local induction by the manager should establish the standards of performance, skills and knowledge for the role and specific objectives

4.1.2 Appraisal – yearly appraisals allow staff and managers to review performance in the previous 12 months and agree objectives for the following year. Appraisals should occur twice in the first year of any new role (Refer to W12).

Regular Feedback – recognition of good or unsatisfactory performance should occur on a regular basis by informal conversations with the manager. Giving constructive feedback where required.

4.1.3 Statutory and Mandatory Training Updates – as and when required

## **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 and the accompanying Procedure Document. More detail on the content and nature of this meeting can be found in the Procedure Document to support this policy.

5.1.2 There is no right to be accompanied at informal meetings or discussions however 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.

5.1.3 When Informal Performance Management action fails and an employees performance continues to be deemed as unsatisfactory a Formal Meeting will be arranged.

### **5.2 Formal Performance Management Meeting**

5.2.1 At Formal Meetings employees are entitled to be accompanied by either their trade union representative or Trust employed work colleague. The employee will be responsible for contacting their TU representative or trust employed work colleague.

5.2.2 More detail on the content and nature of this meeting can be found in the Procedure Document to support this policy.

5.2.3 When Formal Performance Management action fails and an employees performance continues to be deemed unsatisfactory a Final Formal Meeting will be arranged.

### **5.3 Final Formal Meeting**

5.2.4 More detail on the content and nature of this meeting can be found in the Procedure Document to support this policy.

5.2.5 At this meeting consideration will be given to

1. Further Training/Monitoring and support
2. Redeployment
3. Downgrading
4. Termination of the employee's contract of employment on the grounds of capability

### **5.3 Right of Appeal**

An employee has the right to appeal against the decision of the chair of the Final Performance Management Meeting under this procedure. 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.

More detail on the content and nature of this meeting can be found in the Procedure Document to support this policy.

## 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 advisor, involving the Head of HR. The ultimate decision to refer lies with the appropriate Director. The Trust will not await the outcome of any separate investigation undertaken by the regulatory authority before taking appropriate action under this policy and the Procedure Document supporting this policy.

## 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 (HR59/W12).

7.2 This information can be accessed via the Learning Zone pages on the Trust intranet.

## 8 Review Process

The Trust will review this policy every 5 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
<b>Access and uptake to be monitored</b>	<b>At policy review access and uptake of policy entitlement to be reviewed</b>	<b>HR Team</b>	<b>On policy review</b>	<b>TNCC</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 (HR59) 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)