



North West Ambulance Service  
NHS Trust



Delivering the right care, at the right time, in the right place

# Workforce Performance Management Policy and Procedure

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Author:	HR Manager	Version:	2.0
Date of Approval:	11 May 2015	Status:	Final
Date of Issue:	1 June 2015	Date of Review:	May 2018

Recommended by	Executive Management Team
Approved by	Workforce and Communities Committee
Approval date	11 May 2015
Version number	2.0
Review date	May 2018
Responsible Director	Director of Organisational Development
Responsible Manager (Sponsor)	Deputy Director of Organisational Development
For use by	All Trust employees

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## Change record form

Version	Date of change	Date of release	Changed by	Reason for change
x.1			Emma Forsyth	Document creation
x.2	25 May 2011	25 May 2011	Emma Forsyth	Amendments from Policy Group
x.3	7 October 2011	7 October 2011	Emma Forsyth	Resolution Group
x.4	7 November 2011	7 November 2011	Emma Forsyth	Approved by EMT
1.0	15 November 2011	15 November 2011	Emma Forsyth	Approved by Workforce Committee
1.1	28 March 2012	3 April 2012	Emma Forsyth	Amendment of document title as requested by Trust Board
1.2	7 March 2015	18 March 2015	Vickie Camfield	Review of Policy with the Policy Group

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## 1. INTRODUCTION

- 1.1. The Trust recognises that the success of our services is dependent upon the effectiveness of our employees. Our aim through this policy is to help and encourage all employees to achieve and maintain effective work standards and resolve situations which relate specifically to the lack of capability of an employee to perform work that they are employed to do.
- 1.2. All Trust employees must be clear about the standard of work expected during the course of their employment. A Job Description, Personal Specification, along with a Performance Appraisal process will promote this and provide the framework. However, in some cases, an employee may not be able to carry out the responsibilities/duties of the job to an adequate standard.

## 2. PURPOSE

The purpose of this policy is to:

- 2.1. Assist and encourage all employees to achieve and maintain effective standards of job performance.
- 2.2. Provide managers with a framework and guidance to improve the performance of employees.
- 2.3. Ensure consistent and fair treatment for all employees who experience difficulties in performing satisfactorily the duties required of the post or attaining the standard required through examination or other formal assessment to satisfactorily and lawfully undertake the job.

## 3. SCOPE

- 3.1. The policy applies to all staff employed by North West Ambulance Service NHS Trust.
- 3.2. This policy should not be used where unsatisfactory performance is deemed to be as a result of the following:
- Misconduct - Disciplinary Policy and Procedure should be followed.
  - Ill Health - Sickness Absence Procedure should be followed.
  - Bullying & Harassment – Dignity at Work Policy should be followed.
  - Substance misuse or Alcohol / Drug Related Problems – Drug, Alcohol and Substance Misuse Policy should be followed.

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## 4. ASSOCIATED DOCUMENTATION

4.1 You should read this policy and procedure in conjunction with the management tools available on the HR Portal and the following related policies and procedures:

- Disciplinary Policy and Procedure
- Incident Learning Policy
- Sickness Absence Procedure
- Performance Appraisal Policy
- Recruitment & Selection Procedure
- Dignity at Work Policy
- Performance Appraisal Procedure
- Drug, Alcohol and Substance Misuse Policy

## 5. THE REGULATIONS

Section 6 of the AfC Terms and Conditions Handbook outlines the process for 'Pay and Career Progression' which is also covered in section 8 of this document. Reference should also be made to section 1a 'Pay Structure' and Annex W 'Pay Progression'. There are three key pieces of legislation which relate to the performance management process:

- Employment Rights Act 1996
- Employment Act 2008
- Human Rights Act 1998

## 6. DEFINITIONS

Performance / capability is defined as:

- The fulfilment by an employee of the requirements of their job in the working environment accepted as standard for the role.
- Enhanced by effective training, support and development.

## 7. ROLES AND RESPONSIBILITIES

### 7.1 Management Responsibilities

7.1.1. Job descriptions accurately convey the main purpose and scope of the post and the tasks involved and that new appointees have been properly assessed at interview against the person specification for the job.

7.1.2. The employee is given full induction with regard to the organisation, department/service area and the job itself.

7.1.3. Performance is discussed regularly with employees and inadequate performance identified as soon as possible, so that remedial action can be taken. Managers must ensure that employees have a reasonable and realistic chance of succeeding in the job

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with appropriate training and development identified through the Performance Appraisal Reviews or training interventions identified in response to specific performance issues.

- 7.1.4. Employees receive initial and ongoing job training and that training needs are re-assessed following any job changes.
- 7.1.5. Job content is appropriate to the grade.
- 7.1.6. The expectation of work performance is realistic.
- 7.1.7. Volume of work is reasonable.
- 7.1.8. Advice and supervision at an adequate level is available.
- 7.1.9. Consideration is given to reasonable adjustments in the case of staff with a disability.

## **7.2 Human Resources Department Responsibilities:**

- 7.2.1 To ensure that all aspects of the performance management process are fair and equal both in practice and with regard to legislation.
- 7.2.2 To provide training and advice to managers on the implementation and appliance of the Workforce Performance Management Policy and Procedure.
- 7.2.3 To provide support and guidance throughout the performance management processes to managers and other members of staff as required.

## **7.3 Employee Responsibilities:**

- 7.3.1 Employees have a contractual responsibility to achieve a satisfactory level of performance. All employees are required to participate in the Trust Performance Appraisal Review process and are expected to actively engage in Performance Appraisal and relevant training as detailed in their development plans.
- 7.3.2 Employees are responsible for attending all meetings arranged in relation to any capability issues and for making every effort to improve in the identified areas where job requirement standards are not being met.
- 7.3.3 It is the employee's responsibility to seek clarification of any points not fully understood around the issues raised in regards to their capability and the application of the Workforce Performance Management Policy and Procedure to their situation.

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## **8. POLICY PRINCIPLES**

### **8.1 Link To Performance Appraisal Process**

- 8.1.1 The job description and person specification for the role describes the knowledge and skills needed to perform and develop within the role and these competencies should be reviewed regularly as part of the development review/appraisal process. The Workforce Performance Management Policy and Procedure should not replace the performance appraisal process or regular informal one-to-ones between the employee and line manager.
- 8.1.2 The Trust's Performance Appraisal process is a system for formally reviewing and recording the performance, potential and development needs of an employee. A Performance Appraisal is a tool to ensure that employees are clear about what is expected of them and how they will be supported.
- 8.1.3 Appraisal should be a continuous process and should not be limited to the Performance Appraisal formal and interim reviews. It is essential where work performance problems arise that they are addressed at the time that they occur, rather than waiting for the annual review.
- 8.1.4 The annual formal review will provide an opportunity to review and record past performance and progress and is therefore an important piece of documentation. However an employee should not be made aware of any performance issues for the first time at the formal review as these should be addressed with the employee as soon after the performance issue is noted.

### **8.2 Pay Progression**

- 8.2.1 As stated in the NHS Terms and Conditions, incremental pay progression will be conditional upon individuals demonstrating that they have the requisite knowledge and skills / competencies for their role and that they have demonstrated the required level of performance and delivery.
- 8.2.2 For staff in pay bands 8c, 8d and 9 pay progression beyond the first four pay points will be dependent on achievement of locally determined levels of performance and will have to be annually earned.
- 8.2.3 Pay progression will not be deferred unless there has been prior discussion between the individual and the person undertaking their review (which should be recorded) about the knowledge and skills that the individual needs to develop and apply and the member of staff has been given the opportunity to achieve the necessary development. Where significant weaknesses in performance in the current post have been identified, discussed and documented with the staff member concerned and have not been resolved, despite opportunities for appropriate training/development and support, pay progression may be deferred at any pay point until the problems are resolved;

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8.2.4 Significant weaknesses are those which prevent a staff member from continuing to apply consistently, across a recognised normal workload, the knowledge and skills specified in the Job Descriptions and Person Specification.

8.2.5 Where an employee has had performance issues raised and managed under this policy, then this will be considered when incremental pay progression is due. Whilst this may impact on the decision, this may not act as an automatic bar to progression. Decisions on pay progression will be made in accordance with the Trust's Performance Appraisal Policy and should take into account performance across the whole review period and whether staff have demonstrated the required levels of performance consistently across the review period. The decision to withhold pay progression can only be made by those with delegated authority to make such a decision as set out in the Performance Appraisal Policy.

### **8.3 Unsatisfactory Work Performance**

8.3.1 Unsatisfactory work performance may be due to the following:

- Lack of aptitude, skill, ability or experience
- Lack of appropriate training or supervision
- Reorganisation or redefinition of role
- Poor overall organisation of work
- Changes in the nature and allocation of work
- Changes in workload and/or resources
- Absence of facilities crucial to the employee's performance
- Personal/domestic problems
- Health problems
- Bullying/harassment at work

8.3.2 This list is neither exclusive nor exhaustive, but is provided as a guide for managers.

### **8.4 Addressing Unsatisfactory Performance**

8.4.1 Continuous monitoring and assessment of an employee's performance against the requirements of each post must be undertaken by the line manager as part of the appraisal process. Where work performance problems arise they can generally be dealt with through informal discussions and counselling.

8.4.2 Every effort should be made by both the manager and employee to resolve issues of poor work performance at an early, informal stage and through the process of performance appraisal. However, where sustained improvement in performance does not occur, the formal stages of this procedure will be invoked.

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8.4.3 The employee has the right to be accompanied by a recognised Trade Union Representative, work colleague or friend throughout the formal stages of this procedure. An HR representative may also be present during formal stages.

8.4.4 It may be necessary to temporarily re-deploy an employee, where serious or unsafe work performance becomes apparent, prior to finding a permanent solution. The length of the redeployment should be kept to a minimum and unless with agreement will not normally exceed 6 weeks. The employee will continue to receive their existing remuneration for this period of time. If suitable redeployment is not available, paid exclusion from the workplace may occur in such cases where the employee is deemed unsafe to be on duty until alternative arrangements can be made.

## 9. PROCEDURE

### 9.1 Preliminary Stage discussion

9.1.1 This would normally take the form of a one to one meeting with the manager and employee. It should be a positive and constructive discussion to provide the employee with an opportunity to express their opinion and for the line manager to consider factors, which may be contributing to the poor performance. Whilst this is an informal stage an invite letter should be sent to the employee. The invite letter should outline the purpose of the meeting and a copy of the Workforce Performance Management Policy and Procedure should be attached.

9.1.2 The purpose of the meeting is to ensure a clear understanding of the standard(s) required and an identification of areas in which this is not being achieved.

9.1.3 This meeting will be conducted on a one to one basis with the manager and employee, however should the employee wish to adjourn the meeting and reconvene with their Trade Union Representative present they may do so, however this will not normally be required.

9.1.4 At the meeting an action plan must be an outcome and this should clearly set out the areas which require improvement. The action plan should have achievable targets and timescales by which performance can be measured.

9.1.5 The action plan should identify the following:-

- If further training is required.
- Whether there needs to be a redistribution of workload.
- If the amount of supervision needs to be adjusted.
- Any other relevant facts (e.g. resources, methods and approaches to work, attitude and behaviours in relation to ways of working).

9.1.6 The action plan must detail:

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- The improvements required.
- The targets and timescales for improvement (which will not normally be more than 3 months i.e. unless the review period is triggered by an event rather than a timescale).
- The potential consequences if the employee fails to improve their level of performance i.e. the commencement of the formal procedure - Stage 1 of the Workforce Performance Management Policy and Procedure.

9.1.7 The action plan should be confirmed in writing with the individual to avoid any misunderstanding. This will usually be done within 7 days.

9.1.8 Regular monitoring and assessment should take place over the determined monitoring period.

9.1.9 A meeting should take place at the end of the agreed monitoring period to ascertain whether the required standards of work performance have been met within the time scales agreed.

9.1.10 Where performance is deemed to have improved to the required standard, the manager will confirm in writing with the employee and no further action will take place. It is important that this level of performance is maintained by the member of staff, where their performance deteriorates within 12 months of completion of preliminary stage it may be necessary to progress straight to stage 1 of the policy.

9.1.11 Where the required standards of work have not been met a formal hearing will be arranged in line with Stage 1 of the Workforce Performance Management Policy and Procedure.

## 9.2 Stage 1 - Formal Procedure

9.2.1 An employee will be invited by the line manager, in writing, to attend a formal capability hearing. The letter should confirm the purpose of the hearing and give the employee the opportunity to be represented by a recognised trade union representative, work colleague or friend not acting in a legal capacity. At least 14 days' notice of the hearing should be given to allow the individual to prepare and seek representation if required, unless the employee agrees to a shorter notice period. The management statement of case should be enclosed with the invite letter. A statement of case may be submitted by the member of staff or their representative and this should be sent to the line manager no later than 7 days before the hearing.

9.2.2 It is the member of staff's responsibility to arrange appropriate representation. If the hearing is cancelled due to unavailability of any party, the hearing should be rescheduled within a maximum period of 2 weeks.

9.2.3 The case should be heard in accordance to the Trust's scheme of delegation for Disciplinary and Appeal Arrangements. The member of staff, will have the opportunity to

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present their case. If the issue is of a complex clinical nature, an Advanced Paramedic may be asked to support the presenting manager.

- 9.2.4 The line manager should present the case to a more senior manager who has the authority to decide on the administration of a formal sanction.
- 9.2.5 Upon considering the evidence presented a decision will be made by the manager hearing the case, on the administration of a formal sanction. A member of the HR Department may also be in attendance.
- 9.2.6 A full and thorough review will take place on the continuing poor work performance and all outstanding areas of concern. The employee must be given an opportunity to state their case and the opportunity to explain the reasons for their continued failure to reach the required performance level. Where work related circumstances outside of the individual's control have caused or contributed to the unsatisfactory work performance this should be taken in to account.
- 9.2.7 The outcome of the hearing may be that a **First Written Warning** is issued. The outcome will be confirmed in writing, usually within 7 days.
- 9.2.8 If it is requested by the employee appropriate, transfer or demotion to an alternative role may be considered at this stage. (Section 9.5).
- 9.2.9 At the meeting the action plan previously in place will be reviewed and any adjustments to it discussed. Any amendments to the action plan must be confirmed in writing including, where applicable the review period. This may be dependent on the circumstances of the case and availability of training etc. but will not normally exceed three months unless event driven.
- 9.2.10 A date will be set for a review meeting, with the employee's line manager and the employee, normally within 3 months to consider whether or not the required improvement in performance has taken place.
- 9.2.11 Employees have the right of appeal against any formal sanction (Section 9.8).
- 9.2.12 Regular monitoring and assessment should take place over the determined period of time.
- 9.2.13 A further meeting should take place at the end of the agreed monitoring period to ascertain whether the required standards of work performance have been met within the time scales agreed.
- 9.2.14 Where performance is deemed to have improved to the required standard, the manager will confirm in writing with the employee and no further action will take place. However, the First Written Warning will remain on the employees file for a period of 12 months from the date of issue.

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9.2.15 Where the required standards of work have not been met a formal hearing will be arranged in line with Stage 2 of the Workforce Performance Management Policy and Procedure.

### 9.3 Stage 2 - Formal Procedure

9.3.1 An employee will be invited by the line manager in writing, to attend a formal hearing. The letter should confirm the purpose of the hearing and give the employee the opportunity to be represented by a recognised trade union representative, work colleague or friend not acting in a legal capacity. At least 14 days' notice of the hearing will be given to allow the individual to prepare and seek representation if required, unless the employee agrees to a shorter notice period. The management statement of case should be enclosed with the invite letter. A statement of case may be submitted by the member of staff or their representative and this should be sent to the line manager no later than 7 days before the hearing.

9.3.2 A member of the HR Team may also be in attendance in line with the scheme of delegation.

9.3.3 It is the member of staff's responsibility to arrange appropriate representation. If the hearing is cancelled due to unavailability of any party, the hearing should be rescheduled within a maximum period of 2 weeks.

9.3.4 The line manager will be responsible for presenting the allegations and evidence at the hearing. The line manager should present to a more senior manager, who will decide on the administration of a formal sanction in line with the scheme of delegation for Disciplinary and Appeal Arrangements.

9.3.6 A full and thorough review will take place on the continuing poor work performance and all outstanding areas of concern. The employee must be given an opportunity to state their case and the opportunity to explain the reasons for their continued failure to reach the required capability level. Where work related circumstances outside the individual's control have caused or contributed to the unsatisfactory work performance this should be taken in to account.

9.3.7 The outcome of the hearing may be that a **Final Written Warning** is issued. The outcome will be confirmed in writing, usually within 7 days.

9.3.8 If it is deemed appropriate, transfer or demotion to an alternative role may be considered at this stage (Section 9.5).

9.3.9 At the meeting the action plan previously in place will be reviewed and any adjustments to it discussed. Any amendments to the action plan must be confirmed in writing including, where applicable the review period. This may be dependent on the

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circumstances of the case and availability of training etc. but will not normally exceed three months unless event driven.

- 9.3.10 A date will be set for a review meeting, with the employee's manager and the employee normally within 3 months to consider whether or not the required improvement in performance has taken place.
- 9.3.11 Employees have the right of appeal against any formal sanction. (Section 9.8).
- 9.3.12 Regular monitoring and assessment should take place over the determined period of time.
- 9.3.13 A meeting should take place at the end of the agreed monitoring period to ascertain whether the required standards of work performance have been met within the time scales agreed.
- 9.3.14 Where performance is deemed to have improved to the required standard, the manager will confirm in writing with the employee and no further action will take place. However, the Final Written Warning will remain on the employees file for a period of 2 years from the date of issue and any further capability issues or poor performance which becomes apparent during the 2 year period may result in further, formal action commencing at any stage of the procedure deemed appropriate.
- 9.3.15 Where the required standards of work have not been met a formal hearing will be arranged in line with Stage 3 of the Workforce Performance Management Policy and Procedure.

#### **9.4 Stage 3 - Formal Procedure - Potential Dismissal**

- 9.4.1 An employee will be invited in writing, by the line manager to attend a formal hearing. The letter should confirm the purpose of the hearing and inform the employee that they may be dismissed due to incapability and/or poor performance at the meeting. The employee must be given the opportunity to be represented by a recognised trade union representative, work colleague or friend not acting in a legal capacity. At least 14 days' notice of the hearing will be given to allow the individual to prepare and seek representation if required, unless the employee agrees to a shorter notice period. The management statement of case should be enclosed with the invite letter. A statement of case may be submitted by the member of staff or their representative and this should be sent to the line manager no later than 7 days before the hearing.
- 9.4.2 It is the member of staff's responsibility to arrange appropriate representation. If the hearing is cancelled due to unavailability of any party, the hearing should be rescheduled within a maximum period of 2 weeks.

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- 9.4.3 A Stage 3 Meeting must be chaired by a manager who has authorisation to dismiss in accordance with the scheme of delegation for Disciplinary and Appeal Arrangements. A HR Manager or Head of HR will also be in attendance.
- 9.4.4 At a Stage 3 hearing, the line manager should present to a more senior manager, who will be responsible for determining an appropriate sanction.
- 9.4.5 The employee must be given an opportunity to state their case and to explain the reasons for their continued failure to reach the required capability/performance level. Where work related circumstances outside the individual's control have caused or contributed to the unsatisfactory work performance this should be taken in to account.
- 9.4.6 The outcome of the hearing may be **dismissal**. As the member of staff will not be summarily dismissed they will be entitled to receive notice pay in addition to payment for any outstanding annual leave. Consideration may be given to paying in lieu of notice.
- 9.4.7 Transfer or demotion to an alternative role may have been considered at Stage 2 and 3. However, in exceptional circumstances, transfer or demotion may again be discussed as an alternative to dismissal (section 9.5).
- 9.4.8 Employees have the right of appeal against any formal sanction (section 9.8).
- 9.4.9 If the outcome of the meeting at Stage 3 is dismissal, this will be confirmed by letter within 7 days and the employee's right to appeal will be confirmed.
- 9.4.10 Further advice should be taken with the Human Resources Department regarding whether it is applicable to refer the employee to the relevant Regulatory Professional Body and/or the Independent Safeguarding Authority.

**9.5. Permanent Transfer or Demotion**

- 9.5.1 Whilst the Trust is not obliged to create a suitable alternative job, it may be that a transfer to an alternative job, with that job's terms and conditions of employment, possibly at a lower band, may be agreed during the formal stages of the capability procedure.
- 9.5.2 Such a transfer could amount to a demotion, in which case pay protection will not apply. Transfer and/or demotion also require the agreement of the receiving manager in the new department and the department manager needs to ensure the required support and/or supervision can be provided. In cases of transfer or demotion under this paragraph, continuity of service will be maintained. Excess mileage cannot be claimed if a transfer or redeployment results in a change of base.
- 9.5.3 Where an employee is permanently transferred or demoted under this policy a review period will be stipulated by the decision-making manager with the agreement of the

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receiving manager. The review assessment in the new post will usually take place within 3 months of the transfer or demotion and will consider whether the employee's capability and/or performance in their new role has been satisfactory. If their capability and/or performance are not satisfactory by the review assessment date then the final stage of the performance management procedure will be invoked.

- 9.5.4 If the employee's capability and/or performance in their new role are deemed satisfactory following the review assessment in accordance with paragraph 10.3 the employee will be kept under further regular review for a period of 12 months after the transfer or demotion takes effect.

## **9.6 Further Instances of Poor Performance**

- 9.6.1 Any recurrence of poor performance during the 12/24 month period, which becomes apparent, may result in further formal action commencing at any stage of the procedure deemed appropriate; normally at the next stage of the procedure than was previously invoked.

## **9.7 Record of Informal and Formal Action**

- 9.7.1 Any action taken must be confirmed in writing to the employee, usually within 7 days of the meeting, setting out the nature of the unsatisfactory capability and/or performance, any steps necessary to remedy the situation and the timescale for the assessment.

- 9.7.2 Where appropriate the letter will state that a first or final written warning has been issued and describe the likely consequence (dismissal) of a failure to improve capability and/or performance by the assessment date.

- 9.7.3 A first written warning will remain on the employees file for 12 months and a final written warning for up to two years, after which time it will become inactive provided that the employee's capability and/or performance remains satisfactory.

- 9.7.4 If during the monitoring period, the employee is absent from work due to sickness as a direct result of the implementation of this policy, the monitoring period will continue as if they were in work and the employee may be deemed to have not improved their performance. Although the employee may make representations to their line manager as to why an extension may be appropriate. Where such representations are made, the line manager has discretion to extend the monitoring period.

## **9.8 Appeals Procedure**

- 9.8.1 Employees have the right of appeal against formal sanctions. Where possible a more senior level of manager than heard the original case will hear the appeal. A HR Manager or Head of HR may also be in attendance.

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- 9.8.2 An appeal must be lodged within 14 days of the being received confirming the sanction, detailing the reasons for the appeal. The details of the persons to whom the appeal should be lodged will be contained in the letter confirming the sanction.
- 9.8.3 The purpose of the appeal is to consider the decision made by the manager at the hearing.
- 9.8.4 It is important that appeals should be heard within a reasonable timescale. It is the intension that all appeals will be heard as soon as possible from the date the appeal was lodged. Normally this will be within four weeks. The employee will be given at least 14 days' notice of the hearing.
- 9.8.5 The employee has the right to be accompanied by a work colleague, trade union representative or friend not acting in a legal capacity.
- 9.8.6 It is the member of staff's responsibility to arrange appropriate representation. If the hearing is cancelled due to unavailability of any party, the hearing should be rescheduled within a maximum period of 2 weeks. In cases where the delay is caused through ill health the advice of the occupational health department will be sought.
- 9.8.7 Appeals against dismissal will be heard by a panel in line with the scheme of delegation for Disciplinary and Appeal Arrangements. The appeal panel will not include anyone who has been involved with the process leading up to the dismissal. A Head of HR or the Deputy Director of OD will act as advisor to the panel.
- 9.8.8 Statements of case will be requested from both the manager who made the decision at the capability hearing, and the employee. Statements of case will be exchanged at least 7 days prior to the appeal hearing.
- 9.8.9 In all cases, the individual(s) hearing the appeal must not normally have been directly involved in the case previously.
- 9.9 Appeal Hearing Format (not a re-hearing):**
- 9.9.1 The management representative (normally the manager who made the decision) presents the case for the previous action taken and may call witnesses.
- 9.9.2 All parties have the opportunity to question the management representative and management witnesses.
- 9.9.3 The employee or their representative presents their case and may call witnesses.
- 9.9.4 All parties have the opportunity to ask questions of the employee and their witnesses.
- 9.9.5 The management representative summarises their case but cannot introduce new evidence.

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- 9.9.6 The employee or their representative summarises their case but cannot introduce new evidence.
- 9.9.7 The members of the appeal panel consider the case in private.
- 9.9.8 The chair of the appeal informs all parties of their decision and confirms the decision in writing within seven calendar days of the hearing.

**9.10 Action in Serious Cases**

- 9.10.1 In the event of a serious case arising, the relevant policy to be followed will depend on the circumstances of the incident.
- 9.10.2 Where an employee acts maliciously, the Trust’s Disciplinary Policy and Procedure will normally be invoked in these circumstances and action, including dismissal, may be necessary.
- 9.10.3 If there are serious capability issues and concerns that an employee’s performance of their duties will put patient or staff safety at risk, seriously affect the reputation of the Trust or have such a detrimental impact on the safe functioning of a department, the Workforce Performance Management Policy and Procedure may be invoked. In such circumstances, the Trust reserves the right to invoke this policy at any stage up to and including the final stage.
- 9.10.4 In the event of the above cases arising, advice should be sought from the Head of HR or HR Manager.

**9.11 Permanent Appointment Subject to Compulsory Training**

- 9.11.1 This policy does not apply to employees whose permanent employment is subject to completion of a compulsory training programme at the beginning of employment (e.g. EMT1’s and EMD’s).
- 9.11.2 These employees will not be given an unconditional offer of employment until they have successfully completed the training programme. This will be reflected in the conditional offer of employment letter.
- 9.11.3 In the event that the employee does not pass the training programme notice of termination will be given in line with the contract of employment (1 week).
- 9.11.4 Suitable alternative employment will be considered, however the Trust gives no guarantee that redeployment will be available.

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9.11.5 Where an employee's contract is terminated they will have the right of appeal in line with the truncated appeals process.

## **9.12 Support**

9.12.1 Employees involved in capability matters may access support and /or advice from the following sources:

- Trade unions
- Professional registration bodies
- Occupational Health Service
- Counselling service
- Mediation service
- Human Resources
- Line Manager

## **10. MONITORING AND REVIEW**

10.1 The Director of Organisational Development is responsible for monitoring overall compliance with this policy.

10.2 This policy will be reviewed every three years; however if national guidance or legislation changes then the procedure will be reviewed earlier. As part of the review procedure, information on the number of performance management processes in the organisation will be collated and a diversity analysis will be completed by the Human Resources Department. This will be undertaken in such a way to protect the confidentiality of the individuals.

10.3 The Policy will be available to all staff on the intranet and will also be retained in Human Resources.

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Appendix 1

**DISCIPLINARY AND APPEAL ARRANGEMENTS  
SCHEME OF DELEGATION**

**Decision Maker**                      **Responsibilities**

Trust Board:	<b>Chairman</b> Hearing officer for dismissal of CEO.
Chief Executive:	Hearing officer for disciplinary cases against Executive Directors.
Non-Executive Directors	Appeal panel members for disciplinary cases against the Chief Executive and Executive Directors.
Director:	<b>Director of Organisational Development</b> Development of Trust Disciplinary procedure and Code of Conduct <b>Directors</b> Acting as Hearing Officers for disciplinary cases involving Assistant Directors Acting as panel members on Appeals against dismissal in accordance with approved procedures. (Appeal panels to comprise of two members drawn from the following groups – Executive Directors, Associate Directors, Directors, Deputy Directors, Heads of HR)
Senior Manager:	<b>Heads of HR/Assistant Director of HR</b> Responsible for arrangements for appeals against dismissal for all staff. Attending Appeals Panel for appeals against dismissal as required in accordance with approved procedures. Responsible for advice and administration of the relevant policies. Advice to Hearing Officer during a disciplinary hearing or appeals hearing when a fellow Manager is the hearing officer.  <b>All Assistant Directors/Heads of Service</b> Act as hearing officer in the following situations: <ul style="list-style-type: none"> <li>• For disciplinary cases involving Gross Misconduct.</li> <li>• Where the individual is subject to a current final written warning.</li> <li>• Any cases where dismissal is a possible sanction.</li> <li>• Where they are the immediate line manager for the person charged.</li> </ul> Act as Appeals Officer in the following circumstances: <ul style="list-style-type: none"> <li>• All appeals against a final written warning.</li> <li>• All cases where the disciplinary hearing has been heard by one of the managers reporting directly to them.</li> </ul>
Other Managers:	<b>Middle Managers or above</b> Act as hearing officer in cases where the sanction applied may be up to and including a final written warning. Act as Appeals Officer in cases where the sanction applied is a formal written warning. <b>Human Resources Managers/Advisors</b> Provide advice to hearing officers during disciplinary hearings and appeals.
All staff:	Compliance with Code of Conduct Participation in investigative procedures

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## Appendix 2: Equality Impact Assessment Report

### Name of Policy, Service or Function

Workforce Performance Management Policy and Procedure

### Equality Impact Assessment carried out by

Vickie Camfield

### Date of Equality Impact Assessment

April 2015

### Step 1: Description and Aims of Policy, Service or Function

#### Overall aims

- Assist and encourage all employees to achieve and maintain effective standards of job performance.
- Provide managers with a framework and guidance to improve the performance of employees.
- Ensure consistent and fair treatment for all employees who experience difficulties in performing satisfactorily the duties required of the post or attaining the standard required through examination or other formal assessment to satisfactorily and lawfully undertake the job.

#### Key elements of policy, service, process

The Policy covers the following:

- Regulations
- Principles
- Roles and Responsibilities
- Procedure

#### Who does the policy, service or function affect?

All NWAS employees

#### How do you intend to implement the policy or service change (if applicable)

This is a review of an existing procedure so there is a general understanding of the content by both managers and staff. The implementation will focus on key areas of changes particularly around the links with the Performance Appraisal Policy and Procedure. The review highlighted a need to review and update existing management guidance documents to support the policy. The content of the existing HR master class in Performance Management will be reviewed in light of the review.

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## Step 2: Data Gathering

### Summary of data available and considered

- Monitoring Data recording Performance Monitoring within the organisation using existing HR case logs. Further work is underway to consider additional options to ensure effective recording of all cases.
- Best practice guidelines
- Review of other policies

### Outcomes of data analysis

Equality Group	Evidence of Impact
Gender	Evidence from monitoring staff who are managed under this policy does not indicate a specific adverse impact on any single group.
Race/Ethnicity	
Disability	
Sexual Orientation	
Religion or belief	
Age	
General (Human Rights)	

## Step 3: Consultation

*Please note you may want to return to this section following Steps 4 & 5*

### Summary of consultation methods

The Policy has been consulted through the normal management and Trade Union consultation routes.

### Outcomes of consultation

Equality Group	Evidence of Impact
General	The Policy has been in operation since 2011 and no major concerns have been raised as a result of this review.
Gender	No issues identified in consultation
Race/Ethnicity	No issues identified in consultation
Disability	No issues identified in consultation
Sexual Orientation	No issues identified in consultation
Religion or belief	No issues identified in consultation
Age	No issues identified in consultation
Pregnancy	No issues identified in consultation

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## Step 4 & 5: Impact Grid

Relevant Equality Area	Areas of impact identified	Is the impact positive or negative?	Key issues for action [Will form basis of action plan]
All Areas			Diversity information on individual cases managed through the policy will be monitored and reported.
Gender	No indication of negative impact but no monitoring currently in place	Neutral	
Race/Ethnicity	No indication of negative impact but no monitoring currently in place	Neutral	
Disability	No indication of negative impact but no monitoring currently in place	Neutral	
Sexual Orientation	No indication of negative impact but no monitoring currently in place	Neutral	
Religion or belief	No indication of negative impact but no monitoring currently in place	Neutral	
Age	No indication of negative impact but no monitoring currently in place	Neutral	
Pregnancy	No indication of negative impact but no monitoring currently in place	Neutral	

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## Step 6: Action Plan

Name of Policy or Service:					
Issue identified and equalities group or communities affected	Action to be taken	By When	Who By	Expected outcome	Progress

### Summary of decisions and recommendations

No advert impact has been identified in reviewing the Workforce Performance Management Policy and Procedure against any group. It is recommended that monitoring continues for all formal action on implementation of the Policy.

## Step 7: Monitoring arrangements

The Director of Organisational Development is responsible for monitoring overall compliance with this policy.

## Step 8: Date of next Equality Impact Assessment

At next review of the Policy is due in May 2018 unless the policy is reviewed earlier.

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