

Managing Performance (Capability) Policy



Please complete the table below:

To be added by corporate team once policy approved and before placing on website

Policy ref no:	HR010
Responsible Executive Director:	Deputy Chief Executive / Chief Finance Officer
Author and Job Title:	Lara Reading - HR Manager
Date Approved:	October 2020
Approved by:	Governing Body
Date of next review:	October 2023

	Yes/No/NA	Supporting information
Has an Equality Impact Assessment Screening been completed?	Yes	
Has the review taken account of latest Guidance/Legislation?	Yes	
Has legal advice been sought?	No	
Has HR been consulted?	Yes	
Have training issues been addressed?	Yes	Support will be provided from HR
Are there other HR related issues that need to be considered?	No	
Has the policy been reviewed by JCC?	Yes	SPF reviewed this policy in March 2020
Are there financial issues and have they been addressed?	No	
What engagement has there been with patients/members of the public in preparing this policy?	None	Internal policy does not require external involvement
Are there linked policies and procedures?	Yes	
Has the lead Executive Director approved the policy?	No	
Which Committees have assured the policy?	N/A	
Has an implementation plan been provided?	Yes	
How will the policy be shared with: <ul style="list-style-type: none"> • Staff? • Patients? • Public? 	Yes	Implementation Plan included
Will an audit trail demonstrating receipt of policy by staff be required; how will this be done?	No	



Contents

1. Introduction	4
2. Purpose and scope	5
3. Duties and responsibilities	6
4. Setting Standards	8
5. Supporting employees with Disabilities	9
6. Support for Employees	9
7. The right to be accompanied.....	11
8. What is the procedure	11
Acts of Gross Incompetence	12
Informal Discussions – Informal Procedure Management Stage	12
No or little improvement in performance - Inform the employee of the problem	14
Stage One Meeting.....	14
The First Formal Review Meeting.....	15
Stage Two meeting.....	16
The Second Formal Review Meeting.....	16
Stage Three – Competency hearing with the employee to discuss the problem ...	17
9. How do I Appeal?.....	19
10. What if I am Redeployed into a Lower Banded Position?	19
11. Training requirements	19
12. Equality Impact Assessment.....	19
13. Monitoring compliance and effectiveness	21
14. Countering Fraud	21
15. References, acknowledgements and associated documents.....	21
16 Appendices	21
Appendix 1 - Informal or Formal Action Plan to address performance issue	22
Appendix 2 – Weekly Review Plan of informal/formal action plan	22
Appendix 3 –Procedure Flow Chart.....	22
16.1 -Equity Impact Assessment	22
16.2 - Implementation Plan.....	22



Managing Performance Policy

1. Introduction

Bristol, North Somerset and South Gloucestershire Clinical Commissioning Group (the CCG) is committed to delivering a high quality service and therefore recognises the importance of managing unsatisfactory performance in a positive and supportive manner, providing both support to line managers and employees.

Where unsatisfactory performance is identified, part of the process of encouragement and support is to discuss the unsatisfactory performance with the employee, the reasons giving rise to that situation and agree steps to improve performance to the required level.

In managing unsatisfactory performance it is important to differentiate between unsatisfactory performance due to a lack of ability, skill, knowledge, experience or aptitude, ill-health/disability and unsatisfactory performance due to conduct or negligence.

Where ill health/disability is the reason for unsatisfactory work performance, the CCG Sickness Absence Policy should be used.

Where ability and competence is the reason for unsatisfactory work performance, this policy should be used.

Unsatisfactory performance due to conduct or negligence, where the employee is capable of carrying out their role but their performance is inadequate due to lack of attention, motivation or misconduct the CCG Disciplinary Policy should be used.

This policy should be used to address unsatisfactory performance due to a lack of ability, skill, knowledge, experience and/or aptitude.

Competence for the purposes of this policy is defined as:

“The gap between the organisation’s expectations of the job-holder in respect of their job role, as defined by the Job Description, Person Specification, objectives and competence and the member of staff’s actual performance in their job.”

The policy supports the values of the CCG including that we strive for excellence, work better together and that we do the right thing



2. Purpose and scope

The policy applies to all staff that are employees of the CCG in either a permanent, fixed term or temporary post with the exception of Bank and agency staff.

This policy does not cover the following:

- Poor performance due to ill-health (Managing Sickness Absence Policy)
- Misconduct as defined in the Disciplinary Policy

This policy has been developed to provide a framework which will enable managers to identify and address issues of unsatisfactory performance in a fair and consistent manner and to enable the employee to reach the required standard of performance.

The CCG will identify constructive action which can be taken to resolve performance issues and through this supportive action enable employees to reach an acceptable standard of work, where possible.

This policy will provide a fair and consistent procedure leading to redeployment or dismissal of employment where remedial action has been ineffective.

All employees have a contractual responsibility to perform their duties to an acceptable standard and they should be given all reasonable support and encouragement to do so.

For the purpose of this policy an individual's competence to do their job is assessed by reference to their skills, qualifications, aptitude and mental and physical health. There may be occasions where ill health and ability to do the job is the reason for the unsatisfactory work performance. Therefore the Managing Sickness Absence policy and Managing Performance (Capability) policy may apply as the concerns may be interchangeable and it is recommended to manage any case with both policies in mind. However if the level of absence is causing concern an employee is not available for work, then the Managing Sickness Absence policy will be more appropriate.

Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions. Informal action will be considered, where appropriate, to resolve problems in the first instance.



Employers should allow an employee to appeal against any formal decision made in accordance with the CCG's Appeals Procedure

3. Duties and responsibilities

Responsibility of HR

HR has a responsibility to provide training, advice and support to managers/supervisors dealing with matters of unsatisfactory performance and to provide advice/support to an employee whose performance is giving cause for concern. HR support will be provided at all formal stages and an HR representative will be required to attend a stage three meeting. An HR representative may be required to attend a stage one and stage two meeting following discussions with the line manager. An HR representative will be present at all formal stages for complex or challenging cases.

Responsibility of Managers

- To ensure that they are aware of the policy and how to begin to resolve matters of unsatisfactory performance in a fair and consistent manner
- To ensure that all employees are made aware of this policy
- To ensure that the standards of performance expected of the employee are fully explained so they know what is expected of them.
- To ensure that all employees receive performance reviews.
- Where it is identified that an employee is not performing to the required standard, to agree measurable objectives with the employee.
- Line managers must seek advice from HR prior to initiating the formal stages of the policy and apply the policy equitably.

Responsibility of Employees

- Employees must inform their manager and seek support should they feel there are certain competencies within their job that they are not fulfilling.
- Where it has been identified that an employee is not performing to the required level it is their responsibility to agree measurable objectives with their manager.



- Employees must participate in performance reviews with their manager in accordance with the CCGs Appraisal Policy.
- Employees are responsible for continuously developing skills to achieve their maximum potential and, where appropriate, participate in any training or support identified as necessary for satisfactory performance of the role.



4. Setting Standards

On commencement of employment the standards of performance expected of the employee should be fully explained so they know what is expected of them.

This should include:-

- Clear job descriptions, person specifications
- Careful monitoring of workplace induction
- Understanding of the CCGs corporate objectives and organisational values
- Professional codes of conduct/practice
- Regular discussions between managers and employees to ensure that standards are being accurately communicated and maintained
- Regular setting and review of individual performance objectives

The following are examples of factors that could cause unsatisfactory performance and are not intended as an exhaustive list:

Inadequate Selection Methods

When filling a vacancy it is important to ensure that the successful candidate has the ability to carry out the duties of the post. It is therefore important to follow the correct selection procedures as stated in the Recruitment & Selection Policy and ensure a robust process is used at the interview stage.

Inadequate Training

This could occur, when a Manager fails to provide an adequate induction or ongoing training. It could also occur when an employee transfers to another post, and is not trained to carry out the duties of that post. Particular care is required for employees who lack experience of working life and for disabled employees or employees who become disabled during their employment.

Working Conditions

The environment in which an individual carries out their duties may be responsible, wholly or in part for an unsatisfactory level of performance.

Lack of Understanding of the Job Role /Responsibilities

Whilst an employee may otherwise be competent, they may fail to fulfil the requirements of the job, if these have not been properly communicated to them or explanation provided of areas of responsibility



Lack of supervision and / or level of supervision needed.

Work overload causing stress/fatigue or unrealistic targets/deadlines.

This may occur if individuals take on additional work that their manager is not aware of, especially if regular 1:1's are not held to discuss the individual's workload.

Organisational change

Organisational change can be an unsettling time for many employees and their jobs may begin to change and they may not have the skills to undertake the new tasks and duties.

Work Standards

The standards required of employees should be appropriate and relevant to the post.

Relationships with Colleagues

Difficult relationships with other colleagues could have a detrimental effect on performance.

Domestic Circumstances

Factors not directly concerned with work may have a detrimental effect on performance.

Health Problems/Alcohol & Substance Abuse

This can cause inadequate performance and should be dealt with in the CCG Policies specifically dealing with these circumstances.

Competence

The employee may not possess the necessary competence.

Conduct

Wilful refusal of a reasonable management instruction or negligence. These should be regarded as misconduct and be dealt with under the CCG's Disciplinary Policy.

5. Supporting employees with Disabilities

The Equality Act 2010 provides that employers have a statutory requirement to give consideration to making a reasonable adjustment to any aspect of work arrangements, or of the premises which have a substantially disadvantageous effect on a disabled person's performance.

Examples of **Reasonable Adjustments**:



- Make adjustments to premises
- Allocate some of the disabled person's duties to another person
- Alter working hours
- Assign to a different place of work
- Allow to be absent during working hours for rehabilitation, assessment or treatment
- Arrange for employee to receive training/retraining
- Acquire or modify equipment

While disability should not be routinely associated with performance problems, managers must consider the possibility that the under-performance of a disabled member of staff could be the result of a disability issue, inaccessible or non-inclusive work systems/practices, or their impairment. If any of these is the case, there is a statutory duty to make *reasonable adjustments* (Equality Act 2010) to the working arrangements in order to help reduce the disadvantage the staff member might be experiencing. For example, it may be necessary to provide specialist equipment or software, alter the workstation or work location to assist the staff member or to re-organise work allocation within a team.

Should the manager believe that the underperformance is associated with a known or suspected disability issue, they must refer the member of staff to Occupational Health, with the employees consent, as soon as possible for further support and guidance. N.B. the DWP's Access to Work scheme provides specific funding to enable equipment and support (including British Sign Language interpreters) for disabled staff to be purchased. Application can be made at any time by the disabled employee with their manager.

6. Support for Employees

Managers will be supportive of any employee who discloses that they are coping with significant difficulties in their personal life, for example, a close family illness, bereavement or a relationship breakdown.

Employees should be reminded of the confidential Employee Assistance Programme (EAP) service and other support provided in the CCG's Health and Wellbeing Policy.

If workplace factors are considered to be affecting the employee's performance, for example working relationships, nature and volume of work, the manager will take time to investigate the issues raised and, if appropriate, to take alternative action.



Where employees are subject to this policy, they may feel isolated and unable to share their concerns with fellow colleagues for fear of feeling inadequate. The CCG encourages employees to talk to their peers, a work colleague, other Manager or HR to talk through their concerns

The Employee Assistance Programme (EAP) and Occupational Health are also available.

7. The right to be accompanied

The employee has the right to be accompanied by a Trade Union Representative or a work colleague at the formal stages of the policy. However the process should not be unreasonably delayed due to the unavailability of an appropriate representative. When writing to an employee, the same information should be sent to their representative if known. It is the responsibility of the employee to contact the person that they wish to accompany them to the formal meetings.

8. The performance improvement plan

A Performance Improvement Plan (PIP) is a crucial tool to improve performance. It sets definite steps for the individual to undertake to raise their performance to the required level within a fixed period. It is also an opportunity to clarify exactly what support and resources the member of staff needs from their manager and the organisation to improve their performance.

Appendix 1 provides a template for the performance improvement plan. The key parts of a performance improvement plan are:

- What needs to happen to make the performance satisfactory?
- When does it need to be completed?
- Identify the support or resources needed.
- How and when will progress be monitored?

9. What is the procedure

The immediate line manager with advice and support from the HR Department will adopt the procedure detailed below.

If for any reason the employee is absent from work due to sick leave or annual leave the performance monitoring process may be paused until they return to work and consideration should be given as to whether ill-health is contributing to performance



issues. If necessary advice will be sought from occupational health with regards to if ill health is contributing to the performance issues. The employees ill health and/or sickness absence will be managed in line with the Sickness Absence Policy which may be implemented alongside the Managing Performance Policy. If the Line Manager carrying out the performance management process is absent due to sick leave it may be appropriate that another Manager temporarily picks up the performance management process and supports individuals in the achievement of their set objectives.

There are up to three stages in the formal procedure but dependent on the nature of the issue causing the unsatisfactory performance, it is possible start at stage three, a Formal Competency Hearing for cases of gross incompetence. The following paragraphs will address each stage starting with acts of gross incompetence.

Acts of Gross Incompetence

Where an employee commits an act of gross incompetence which is so serious as to endanger the welfare and safety of patients, service users or colleagues a full investigation will take place.

Should the investigation conclude that it is likely an act of gross incompetence has occurred a formal capability hearing for gross incompetence should take place.

While the investigation is being conducted it may be necessary to suspend a member of staff from duty. This action is not intended to be a punitive measure and should be only taken as a last resort after all other options such as temporary redeployment have been explored.

Informal Discussions – Informal Procedure Management Stage

Wherever possible, an initial discussion should be held between the employee and their manager. It is in everyone's best interest for an issue to be dealt with quickly and fairly at the lowest possible level as often the majority of concerns will be resolved at this stage. The manager will take notes during the meeting and ensure that these are typed up and shared with the employee to sign off as an accurate record of the meeting.

Before any formal stage is adopted, the line manager should attempt to resolve any issues relating to unsatisfactory performance informally through discussion with the employee. This may be done for example through 1:1's or other regular supervisory management meetings



Robust and detailed objectives will be agreed with the employee for achievement. A plan should be developed to achieve each objective if a foundation level of achievement is required before the full objective can be achieved. For example a training course may need to be undertaken before the full objective can be achieved.

The discussion and notes should include the development agreed, the advice provided to the employee and details about what the concerns are and the process by which the employee's performance is going to be reviewed. Clear timeframes for reviewing the progress should be documented. The notes will also include the dates of the regular review meetings to check progress against the improvement plan prior to the end of each stage.

Where performance has fallen below required standards and there is likely to be an immediate risk to patients, the public or other staff due to the employee's incompetence consideration should be given to the immediate redeployment or suspension of the individual. This decision should only be taken by the appropriate manager and HR.

Where a shortfall in an employee's performance is identified, the discussions should include:

- a clear explanation of the area/s of weakness causing concern
- identification of any underlying causes
- a clear statement of the standards being set
- timescales for the achievement of the standards
- an explanation of the consequences of failure to achieve standards
- explain where improvement is needed
- encouragement and assistance to improve
- date for review

Appropriate timescales must be drawn up for the employee to achieve the targets set. At the informal stage the timeframe is likely to be between 4 and 6 weeks and require weekly review. See **Appendix 2** Weekly Review Plan. Initially 4 weeks will be agreed however in exceptional circumstances this may be extended to 6 weeks.

If the employee's unsatisfactory performance cannot be resolved informally, then the line manager may proceed through the formal stages of the Managing Performance Procedure. The line manager will explain the procedure to the employee and will seek advice and/or guidance from their HR department.

If the employee is removed from the informal stage of the policy due to successfully



meeting the objectives set, the CCG expects the employee to maintain a satisfactory level of performance moving forward.

If the employee's performance falls below a satisfactory level within 12 months of being removed from the informal stage of the policy the performance management process will be commenced at the first formal stage of the policy.

No or little improvement in performance - Inform the employee of the problem

In some cases, where an informal discussion has failed to achieve the necessary improvements in performance, or where the nature of concerns relating to an employee's performance were not considered appropriate to be addressed informally, there will be a need to move to the formal stage of this policy.

The employee should be notified of this in writing. This notification should contain sufficient information about the alleged under performance and its possible consequences and invite them to attend a formal performance meeting. This meeting should usually be held between the employee and their line manager.

The notification should also give details of the time and venue for the performance meeting and advise the employee of their right to be accompanied at the meeting, see below.

Stage One Formal Meeting

The Line manager will arrange a formal meeting with the employee. Prior notification of the meeting will be provided in writing to the employee and a copy of this procedure will accompany the letter. The letter will provide a clear explanation of the issues requiring discussion and will offer you the right to be accompanied at the meeting by a Trade Union representative or a colleague not acting in a legal capacity.

At the meeting:

- The manager will clearly explain the issues/problems and consequences of unsatisfactory performance. This should include clear examples of where the employee performance has not met the required standards.
- The meetings will allow the employee the opportunity to comment on their performance assessment and to provide an explanation. The employee will also be able to indicate what assistance may be needed, if any, to improve performance.



- The manager will arrange any necessary support, including any reasonable adjustments that may assist improvement
- The manager will identify the improvement required and agree an appropriate performance improvement plan with the employee. Also agreed will be any involvement from others in achieving the action plan.
- The manager will agree a reasonable timescale for reaching the required improvement and a review date will be set. This is likely to be between 4 and 8 weeks and informal reviews of progress will be undertaken weekly. See Appendix 2 Weekly Review Plan.
-
- Any pay progression may be suspended
- A record of the meeting and performance improvement plan will be kept by the manager and the employee.

The manager will send a letter confirming the actions agreed at the meeting and the , the review arrangements.. The employee will be provided with a copy of the action plan. The letter will also inform the employee of the possible consequences of failure to reach the satisfactory improvement level/standards. A copy of this letter will be placed on the employees personal file until the capability issues have been fully concluded and communicated in writing.

Formal Review Meeting of the improvements required at the Stage One Formal meeting

As above, the manager will arrange a formal review meeting with the employee, and confirm the details in writing towards the end of the monitoring period.

At the meeting:

- The Manager will discuss the employee's performance in accordance with the development programme. If performance has reached a satisfactory standard, the employee will be advised that no further action needs to be taken.
- The employee will be expected to maintain the required level of performance. Details of the required improved performance will be noted on page 2 of the performance record and confirmed in writing with a copy to the employee's representative as applicable. The record will be placed on the personal file .
- Should the employee's performance slip below the expected standards within 24 months the employee will be required to restart this process at stage 1 of the formal procedure.
- If a satisfactory improvement has not been achieved during the first formal monitoring period a meeting will be convened to progress to stage 2 of the formal procedure.



Stage Two Formal meeting

- The manager will review progress against the development plan and explain where there are any shortcomings in meeting the required standard of performance.
- The employee will be given the opportunity to comment and provide an explanation.
- The employee's pay progression may be suspended.
- The manager will agree a further action plan with the employee, including a time period and review date for reaching the satisfactory standard. This is likely to be between 4 and 8 weeks.
- The employee will be provided with further support and advice to assist meeting the required standard.
- The manager will advise the employee of the consequences of continued failure to achieve the required standards.
-
- The manager will provide the employee with a letter to confirm the corrective action, the agreed time period and a copy of page 2 of the performance record. The letter will also confirm the review date and inform the employee that failure to reach the satisfactory improvement level/standards by the review date could result in a stage three meeting which may lead to dismissal on grounds of performance. A copy of this letter will be placed on the employee's personal file..

Formal Review Meeting of the improvements required at the Stage Two Formal meeting

As above, the manager will arrange a formal review meeting with the employee, and will confirm the details in writing towards the end of the monitoring period.

At the meeting:

- The manager will review progress against the development plan and agreed time period, the manager will arrange a formal meeting with the employee.
- The manager will discuss the employee's performance in accordance with the development programme set at the stage 2 meeting.
- If the employee's performance has reached a satisfactory standard or improvement has been satisfactory, the employee will be advised that no further action needs to be taken. Details of the improved performance will be noted on page 2 of the performance record and confirmed in writing with a copy to the employee's representative as applicable.
- The record will be placed on the employee's file. Should the employee's



- performance deteriorate within 24 months of being signed off, the formal process will restart the beginning of stage 2.
- Where standards of improvement are not achieved and it is apparent that the required level of performance cannot be sustained, the following action will take place:
 - Failure to meet the required satisfactory standards will be discussed with and the employee will be provided with the opportunity to comment.
 - The manager will explain that the matter will be referred to an appropriate senior manager with delegated authority to dismiss for a decision to be made, from which the following outcomes are possible:
 - Further time for improvement and/or provided with new objectives
 - Redeployment due to competence to an alternative post may be an option should a vacancy be available at the time and within the employee's skill set. Pay protection will not apply should redeployment be to a lower banded post.
 - Dismissal on the grounds of performance and competence.

The manager will prepare a summary report and relevant documentation. The manager can seek independent professional advice if deemed necessary. The report will be passed to an Executive Director with delegated authority to dismiss so a stage 3 hearing can take place. A copy of the report will be provided to the employee.

Stage Three – Formal Competency hearing with the employee to discuss the problem

At the end of the stage 2 monitoring period if there has not been the required sustained improvement a stage 3 competence hearing will be arranged. The hearing should be held without unreasonable delay and within 10 days of the decision to hold this hearing, whilst allowing the employee reasonable time to prepare their case. Employer and employee (and their companion) should make every effort to attend the hearing.

Where an employee is persistently unable or unwilling to attend a competence meeting or hearing the employer should make a decision without them present using the evidence available.

At this stage a panel consisting of a Clinical Commissioning Group Manager who has not previously been involved in the process with delegated authority and Human Resources Representative.



The following process will be followed:

- The purpose of the meeting will be for the panel to consider objectively the facts of the matter and to hear comments from the employee and line manager before a final decision is made about continuing the employees employment.
- The employee will be notified of the hearing in writing. The letter will detail the purpose of the hearing; identify the area/s of unsatisfactory performance and the possible outcome.
- The employee will be notified of their right to be accompanied at the meeting.
- In addition the employee should be advised in the letter that the manager responsible for monitoring their work performance will attend to give an account of the review process followed and presenting any relevant documentation. Copies should be provided to the employee at least 5 working days prior to the meeting.
- The employee will have the opportunity to provide a statement of case and will be required to submit this 5 working days prior to the meeting.
- The employee should be advised that they will have the opportunity to present any factors in mitigation.
- The panel will hear from the manager responsible for monitoring their work performance first. The employee will then have an opportunity to put forward any factors in mitigation.
- It may be necessary for the panel to ask question of clarification from the employee and the manager before a decision can be made.
- The panel will then adjourn to make their decision.
- If no exceptional circumstances are put forward to explain the work performance, the panel should consider whether the employee's employment should be terminated on the grounds of poor performance and competence.
- The CCG are not obliged to create an alternative post but if it is agreed that the employee is to move into a post that attracts a lower salary, protection of pay and conditions of service will not apply.



- If no alternative post is to be offered or the employee refuses any offer of alternative employment, then the employee will be advised that their employment will be dismissed on the grounds of poor performance and competence.
- The decision of the panel will be confirmed to the employee, in writing, together with the reasons for the dismissal and advising them of their right to appeal against the decision, within 7 working days.
- The employee will be advised that they have 10 working days from the date of the dismissal letter to appeal against the decision. The appeal must be lodged, in writing, to the next line manager above the level at which the decision was made. . See Appeals Policy.
- Where an individual is required to have professional registration consideration should be given to the requirement to notify the professional body where any action has been taken at the hearing. Where a dismissal has taken place the relevant professional body must be notified of this.

10. How to Appeal?

Appeals will be heard in accordance with the CCG's Appeals Procedure.

11. What if I am Redeployed into a Lower Banded Position?

Pay protection arrangements do not apply to staff who are redeployed by agreement to a position which attracts less earnings as a result of their lack of competence to perform in the higher earnings post.

12. Training requirements

Training and support will be available to all line managers in the implementation and application of this policy.

13. Equality Impact Assessment

All relevant persons are required to comply with this document and must demonstrate sensitivity and competence in relation to the nine



protected characteristics as defined by the Equality Act 2010. The Act prohibits discrimination on the basis of age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion/belief, sex or sexual orientation. It also means that each manager or member of staff involved in implementing the policy must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation; advance equality of opportunity between those who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not.

If you, or any other groups, believe you are disadvantaged by anything contained in this document please contact the Document Lead (author) who will then actively respond to the enquiry.



14. Monitoring compliance and effectiveness

This policy will be reviewed every 3 years but can be reviewed at any time if the CCG deems it necessary to do so or a review is requested by management or staff.

15. Countering Fraud

The CCG is committed to reducing fraud in the NHS to a minimum, keeping it at that level and putting funds stolen through fraud back into patient care. Therefore, we have given consideration to fraud and corruption that may occur in this area and our responses to these acts during the development of this policy document.

16. References, acknowledgements and associated documents

Managing Sickness Absence Policy

Disciplinary Policy

Appeals Policy

Appraisal Policy

Recruitment and Selection Policy

Health and Wellbeing Policy

17. Appendices

Appendix 1 – Informal or Formal Action Plan

- **Appendix 2 – Weekly Review Plan of informal/formal action plan**
- **Appendix 3 – Flow chart**
- **Appendix 4 - Equality Impact Assessment**
- **Appendix 5 – Implementation Plan**



Appendix 1 - Informal or Formal ACTION PLAN TO ADDRESS PERFORMANCE ISSUE

Name: _____ **DATE:** _____

IDENTIFIED PROBLEM (Specifically, and with examples where possible)	STANDARDS EXPECTED (Ensure these are relevant to job role)	SUPPORT OFFERED (What more can we do to help the employee achieve these standards)	REVIEW METHOD (How will you know when the required standard has been achieved?)	REVIEW TIMESCALE e.g. Weekly review

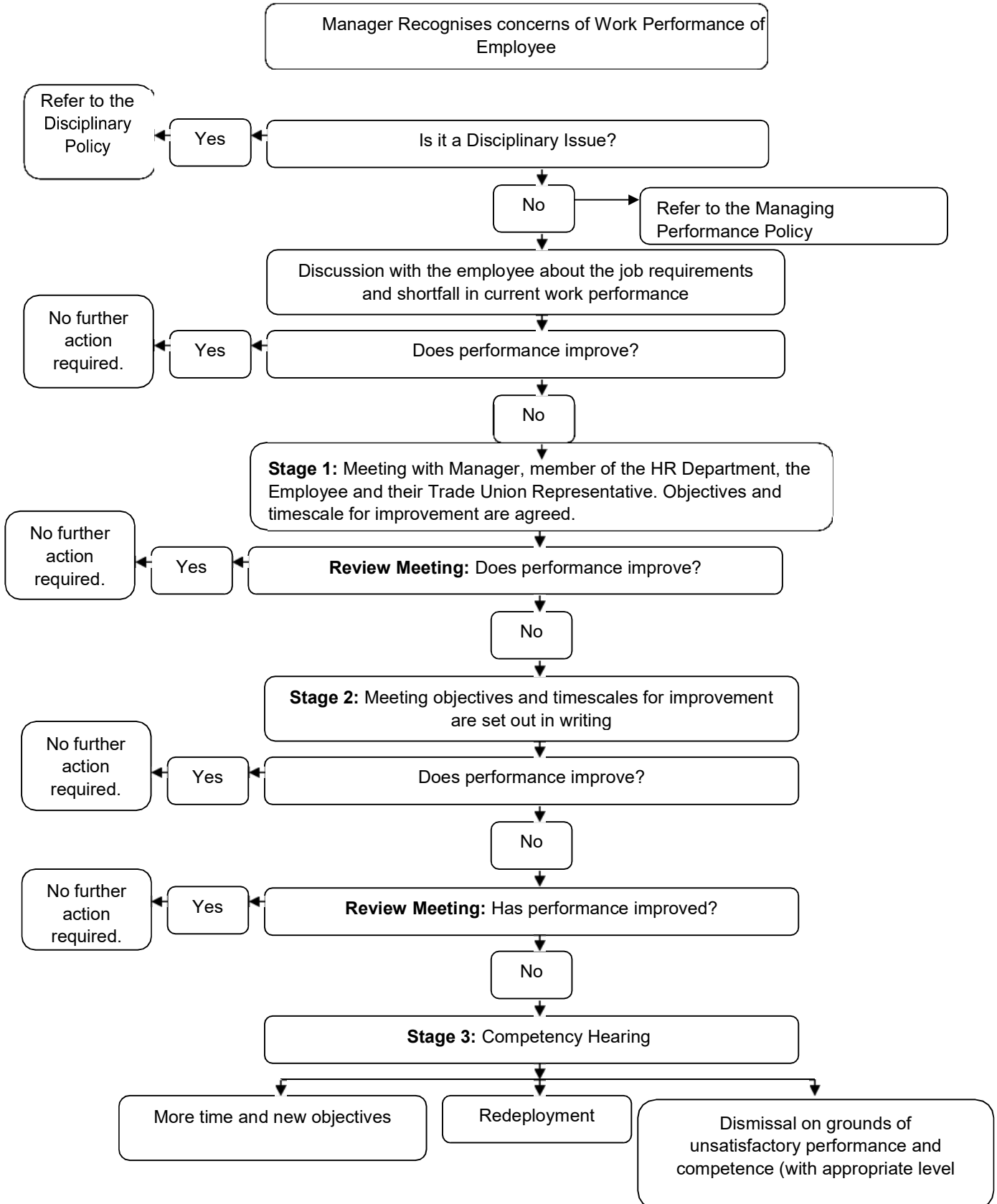
Appendix 2 - Weekly review plan of [informal / formal] action plan

Name: _____

	1 Review week 1		Review week 2		Review week 3		Review week 4	
	Date of review:		Date of review:		Date of review:		Date of review:	
Standard Expected (From action plan)	Expected standard achieved? (If not, detail why)	What needs to be done to meet the standard? (any support in addition to original action plan)	Expected standard achieved? (If not, detail why)	What needs to be done to meet the standard? (any support in addition to original action plan)	Expected standard achieved? (If not, detail why)	What needs to be done to meet the standard? (any support in addition to original action plan)	Expected standard achieved? (If not, detail why)	What needs to be done to meet the standard? (any support in addition to original action plan)
Please sign to indicate agreement that this record reflects performance	Week 1: EMPLOYEE	Week 1: MANAGER	Week 2: EMPLOYEE	Week 2: MANAGER	Week 3: EMPLOYEE	Week 3: MANAGER	Week 4: EMPLOYEE	Week 4: MANAGER

Both manager and employee should retain a copy of the updates made

Appendix 3 –Procedure Flow Chart (Excluding Acts of Gross Incompetence)



16.1 Equality Impact Assessment

Equality Impact Assessment Screening		
Query	Response	
What is the aim of the document?	To set out the CCG responsibilities in relation to the procedure for managing staff capability matters.	
Who is the target audience of the document (which staff groups)?	All staff	
Who is it likely to impact on and how?	Staff	Yes - Staff will be managed in a fair and reasonable way in addressing performance issues through the application of the policy. Support will be put in place to enable improvement in performance. Line managers are expected to raise concerns and address issues through informal and early stages which may help to address unwarranted issues that may arise as a result of low numbers of individuals associated with specific groups of staff that may feel disadvantaged; senior managers to manage later stages and participate in hearings/appeals through consistent application of the policy and with due regard for individual cases; staff side to represent members. Managers will pay due regard to any long term conditions or disabilities covered under the Equality Act and make appropriate adjustments when managing staff performance.
	Patients	No
	Visitors	No
	Carers	No
	Visitors	No
	Other – governors, volunteers etc	Yes
Does the document affect one group more or less favourably than another based on the ‘protected characteristics’ in the Equality Act 2010:	Age (younger and older people)	No, the policy provides a fair and consistent approach to managing performance. However, individuals of all ages may be impacted differently and there may be a variety of reasons why performance is impacted by age which require due consideration
	Disability (includes physical and sensory impairments, learning disabilities, mental health)	No, the policy provides a fair and consistent approach to managing performance. However, individuals of all abilities may be impacted differently and there may be a variety of reasons why performance is impacted which require due consideration. Opportunities to improve performance should be maximised through the use of The Access to Work scheme - a long-established (since the 1958 Disabled Persons

		<p>Employment Act) means of funding disabled employees' support</p> <p>Where disability is a potential concern, reference would be made to managing through the staff sickness policy. This includes alcohol/drug misuse or mental health concerns.</p>
	Gender (men or women)	No, the policy provides a fair and consistent approach to managing performance. However, an individual's may be affected by gender and this needs to be considered when using this policy.
	Pregnancy and maternity	No, the policy provides a fair and consistent approach to managing performance for all staff
	Race (includes ethnicity as well as gypsy travellers)	No, the policy provides a fair and consistent approach to managing performance. However, the low number of BAME staff employed may inadvertently result in line managers choosing not to manage performance at the informal stages through a lack of understanding of specific issues relating to this group of staff. This may result in differential treatment when managing performance which must be avoided.
	Sexual Orientation (lesbian, gay and bisexual people)	No, the policy provides a fair and consistent approach to managing performance. However, due to a lack of understanding about sexual orientation by line managers the informal stages of performance management may not be fully utilised for staff in this category. This may result in differential treatment when managing performance which must be avoided.
	Transgender people	No, the policy provides a fair and consistent approach to managing performance. However, due to a lack of understanding about transgender by line managers the informal stages of performance management may not be fully utilised for staff in this category. This may result in differential treatment when managing performance which must be avoided.
	Groups at risk of stigma or social exclusion (e.g. offenders, homeless people)	No, the policy provides a fair and consistent approach to managing performance.
	Human Rights (particularly rights to privacy, dignity, liberty and non-degrading treatment)	No, the policy provides a fair and consistent approach to managing performance.

16.2 Implementation Plan

Target Group	Implementation or Training objective	Method	Lead	Target start date	Target End date	Resources Required
Staff	Awareness of Policy	Launch of Policy shared at Stand Up	RH	7 Oct 20	31 Oct 20	Time on agenda
Staff	Access to policy	Upload on to Hub	RH	7 Oct 20	31 Oct 20	Comms support