

## HUMAN RESOURCES POLICY

### MANAGING WORK PERFORMANCE

<b>Policy Number:</b>	HR16
<b>Version Number:</b>	2.0
<b>Issued Date:</b>	May 2017
<b>Review Date:</b>	May 2019

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<b>Consultation Process:</b>	Partnership Forum
<b>Formally Approved:</b>	CCG Ratification Process

<b>Policy Adopted From:</b>	BSA HR16 Managing Work Performance Policy
<b>Approval Given By:</b>	n/a

#### Document History

Version	Date	Significant Changes
1.0	April 2013	n/a
2.0	May 2015	n/a

#### Equality Impact Assessment

Date	Issues
12.12.12	None

#### Policy Validity Statement

This policy is due for review on the latest date shown above. After this date, policy and process documents may become invalid. Policy users should ensure they are consulting the currently valid version of the documentation.

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## **1. POLICY STATEMENT**

- 1.1 The CCG has the right and responsibility to establish its requirements in standards of work to be achieved by its staff, so long as these are realistic and clearly defined. In order to fulfil this responsibility the organisation will ensure that individual employees' work is monitored fairly.
- 1.2 The organisation is committed to valuing all of its employees and will encourage them, through guidance, training and development, to achieve their full potential on a consistent basis. Where there is an identified failure in performance, the CCG will, as part of the process of encouragement and support, discuss with the employee the reasons giving rise to that situation. Formal action in line with the principles and procedure outlined below may follow if the employee fails to meet the agreed performance levels.

## **2. PRINCIPLES**

- 2.1 During employment adequate training and encouragement are essential to help achieve satisfactory performance. This will mean that regular discussions about performance will take place between employees and their managers. During these discussions managers will attempt to coach and develop employees and as such may set performance or behavioural targets for employees in an attempt to encourage improvements, without the recourse to formal procedures.
- 2.2 Where the performance of an employee is affected by a disability, as defined in accordance with the Equality Act 2010, reasonable adjustments will be considered in any aspect of work arrangements to support the employee in their performance at work.
- 2.3 Equally, employees themselves have a personal responsibility to ensure that they commit sufficient personal effort to achieve and maintain the standards defined for them.
- 2.4 Managers with responsibilities for performance management will receive the appropriate training to help them understand their role and manage performance effectively. This will include information on the objectives of performance management and how it will operate.
- 2.5 Every attempt will be made to ensure that any targets and timescales are a reasonable expectation and are agreed between line manager and employee. Where this agreement cannot be reached, it may be necessary for management to set the target that the employee is reasonably required to achieve within the timescale.
- 2.6 This procedure will be implemented where the manager considers that an employee is failing to achieve and maintain defined standards of work. Issues regarding misconduct and ill-health will be addressed under the appropriate policy (Please refer to the Disciplinary and Sickness Absence policies).
- 2.7 Employees are entitled to be accompanied at all formal meetings by a Trade Union Representative or work colleague.

If the employee has been requested to attend a disciplinary hearing they must inform the Chair of the Disciplinary Panel of their chosen companion, at least 2 working days in advance of the meeting.

The employee may not insist on being accompanied by a colleague whose presence would prejudice the meeting or who might have a conflict of interest. It would also be unreasonable for an employee to ask to be accompanied by a colleague from a remote location when someone suitably qualified was available on site. Should there be any dispute regarding the

chosen companion that cannot be resolved, the matter will be escalated to the Head of Human Resources.

- 2.8 Employees are required to attend all meetings relating to the disciplinary process. If they, or their companion, are unable to attend the arranged meeting, they must give notice and reasons why they are unable to attend. The meeting will then be rescheduled to a mutually convenient time, within 10 working days of the original date wherever possible. However, where an employee fails to attend such meetings without reasonable grounds, then the meeting may be held in their absence. The employee will be informed of this in writing.
- 2.9 The employee will have the right of appeal against any disciplinary warning or sanction issued in the formal stages of the procedure. Please refer to PART 2 – Appeals.

### **3. PROCEDURE**

This procedure is detailed at PART 2

### **4. SCHEME OF DELEGATION (if appropriate)**

Each policy will contain a scheme of delegation specific to the stages and actions associated to the policy. All Schemes will adopt the levels as outlined below therefore ensuring consistency throughout all policies and clarity within the organisation

Informal procedure	Line Manager or equivalent level manager from elsewhere within the organisation
Formal procedure	Line manager or equivalent level manager from elsewhere within the organisation or the line managers direct manager if the line manager has been previously involved or implicated

### **5. EQUALITY STATEMENT**

In applying this policy, the organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

### **6. MONITORING AND REVIEW**

- 6.1 The policy and procedure will be reviewed periodically by Human Resources in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

## **PART 2 - PROCEDURE**

### **1. Informal Procedure**

- 1.1 In cases where there is an identified failure in performance first line managers should bring this to the attention of the individual being clear to restate the standard that is required and giving the employee an opportunity to discuss any training or support e.g. counselling and mentoring required to improve performance to reach the required standards. A record of any action and/or agreed training requirements will be documented together with a timescale for the expected improvement to be achieved. This timescale will be reasonable and fair and agreed e.g. between one to three months. In considering what is a reasonable timescale for improvement to occur managers should consider the nature of the post, the extent to which the employee is functioning below standard and the type and extent of training and support required.
- 1.2 It is important to provide the employee with an opportunity to express their opinion and for the Line Manager to consider external factors, which may be contributing to the poor performance.
- 1.3 The subsequent performance of the employee should be monitored and assessed objectively and frequently, giving the employee any feedback, both positive and negative e.g. review meetings weekly or fortnightly.
- 1.4 During the informal stage of the Managing Work Performance policy employees do not have the statutory right to be accompanied by a Trade Union representative or workplace colleague.

### **2. Formal Procedure**

- 2.1 Where there is a failure to improve or maintain the agreed performance level, this must be discussed with the employee concerned. This discussion will focus on the issues regarding the unsatisfactory work performance, as well as having the opportunity to discuss any further problems. A record of any action and/or agreed training requirements will be documented together with a timescale for the expected improvement to be achieved. This timescale will be reasonable and fair and agreed e.g. between one and three months. This allows managers to have an understanding of minimum and maximum reasonable timeframes. Suggestions from the employee will be considered and the possibilities of alternative duties may be discussed, in accordance with the provisions of the Redeployment policy
- 2.2 If unsatisfactory progress is made towards the agreed performance level and management has exhausted all other avenues in relation to additional training; mentoring etc (see 3.1 above), the Line Manager may consider disciplinary action in accordance with the formal stages of the Discipline Policy whilst still continuing the supportive measures outlined in this policy. In such cases advice should be sought from the appropriate Human Resources Representative
- 2.3 Employees will have the right to be accompanied and/or represented by a recognised trade union representative or work colleague during the formal stages of the Discipline Policy. Employees will be given rights of representation and appeal in respect of disciplinary warnings, as outlined within the Disciplinary policy.

## Equality Analysis Initial Assessment

### **Title of the change proposal or policy:**

Managing Work Performance

### **Brief description of the proposal:**

To ensure that the policy amends are fit for purpose, that the policy is legally compliant, complies with NHS LA Standards and takes account of best practice.

### **Name(s) and role(s) of staff completing this assessment:**

Theresa Gavin – HR Management Trainee

**Date of assessment:** 12<sup>th</sup> December 2012

### **Please answer the following questions in relation to the proposed change:**

**Will it affect employees, customers, and/or the public? Please state which.**

Yes it will affect all employees.

**Is it a major change affecting how a service or policy is delivered or accessed?**

No

**Will it have an effect on how other organisations operate in terms of equality?**

No

**If you conclude that there will not be a detrimental impact on any equality group, caused by the proposed change, please state how you have reached that conclusion:**

No anticipated detrimental impact on any equality group. The policy adheres to the NHS LA Standards and best practice. Makes all reasonable provision to ensure equity of access to all staff. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.

**Please return a copy of the completed form to the Equality & Diversity Manager**