

Performance Management Policy

Policy ID	HR07
Version	1.1
Owner	Ramya Pillay
Approving Committee	Executive Committee
Date agreed	15 th December 2015
Next review date	15 th December 2018

Version History

V.	Date	Status and/ or amendments
V1.0	Oct '15	First draft
V1.1	Nov '15	Second draft following staff forum

SUMMARY

Surrey Downs Clinical Commissioning Group (CCG) place great importance on maintaining high standards of performance. This policy provides a fair and objective process to enable all employees to ensure that those standards are met in every aspect of the CCG's operations.

Equality statement

Surrey Downs Clinical Commissioning Group (Surrey Downs CCG) aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account the Human Rights Act 1998 and promotes equal opportunities for all. This document has been assessed to ensure that no-one receives less favourable treatment on grounds of their gender, sexual orientation, marital status, race, religion, age, ethnic origin, nationality, or disability. Members of staff, volunteers or members of the public may request assistance with this policy if they have particular needs. If the person requesting has language difficulties and difficulty in understanding this policy, the use of an interpreter will be considered.

Surrey Downs CCG embraces the six staff pledges in the NHS Constitution. This policy is consistent with these pledges.

Equality analysis

This policy has been subject to an Equality Analysis, the outcome of which is recorded below.

		Yes, No or N/A	Comments
1.	Does the document/guidance affect one group less or more favourably than another on the basis of:		
	Age Where this is referred to, it refers to a person belonging to a particular age		

	(e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).		
	Disability A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.		
	Gender reassignment The process of transitioning from one gender to another.		
	Marriage and civil partnership In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).		
	Pregnancy and maternity Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks		

	after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.		
	<p>Race</p> <p>Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins</p>		
	<p>Religion and belief</p> <p>Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition</p>		
	<p>Sexual orientation</p> <p>Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes</p>		
2.	Is there any evidence that some groups are affected differently?		
3.	If you have identified potential discrimination, are there any exceptions valid, legal and/or justifiable?		
4.	Is the impact of the document/guidance likely to be negative?		
5.	If so, can the impact be avoided?		

6.	What alternative is there to achieving the document/guidance without the impact?		
7.	Can we reduce the impact by taking different action?		

For advice in respect of answering the above questions, please contact the Corporate Office, Surrey Downs CCG. If you have identified a potential discriminatory impact of this procedural document, please contact as above.

Names and Organisation of Individuals who carried out the Assessment	Date of the Assessment

1. INTRODUCTION

The primary aim of this procedure is to provide a framework within which managers can work with employees to maintain high performance standards and to encourage improvement where necessary.

2. SCOPE

This policy will apply to all employees regardless of their length of service. It does not apply to agency workers or self-employed contractors.

3. POLICY STATEMENT

- The CCG is committed to valuing all its employees and will encourage them to achieve their full potential on a consistent basis.
- Where the expected levels of performance haven't been achieved, as part of the process of encouragement and support, discussions will take place with the employee to understand 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.
- Employees have the responsibility to ensure that sufficient effort is invested in achieving and maintaining the standards defined for them.
- Every attempt will be made to ensure that objectives and timescales are reasonable and attainable.
- The performance management procedure will be implemented where the employee is not achieving the required standards of work. Issues regarding misconduct will be addressed under the disciplinary policy.
- 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.
- All performance related matters will be dealt with sensitively and with due respect to the privacy of the employee. All staff must treat as confidential any information communicated to them in connection with the performance management process.

4. IDENTIFYING PERFORMANCE ISSUES

- In the first instance, performance issues should be dealt with informally between the line manager and the employee. Where appropriate, a note of any such informal discussions may be placed in the employee's personnel file but will be ignored for the purposes of any future performance hearings. Informal discussions would help:
 - a) clarify the required standards;
 - b) identify areas of concern;
 - c) establish the likely causes of poor performance and identify any training needs or supportive measures needed; and/or
 - d) set targets and objectives for improvement and a time-scale for review.
- The formal procedure should be used where an earlier informal discussion has not resulted in a satisfactory improvement.
- Employees will not normally be dismissed for performance reasons without previous warnings. However, in serious cases of gross negligence, dismissal without previous warnings may be appropriate.
- If concerns have been raised about the employee's performance, an assessment will be conducted to decide if there are grounds for taking formal action under this procedure.
- The extent of the assessment will depend on the circumstances, but may involve- reviewing the employee's personnel file, gathering any relevant documents, monitoring the employee's performance, reviewing established support mechanisms and, if appropriate, discussions with the employee and/or other individuals confidentially.

5. NOTIFICATION OF A PERFORMANCE HEARING

- Following the assessment, if it is understood that there are grounds for taking formal action over poor performance, the employee will be required to attend a performance hearing.

- The line manager will notify them in writing of the date, time and location of the hearing. They will mention their concerns over the employee's performance and the reasons for those concerns. The notification may include the following where appropriate:
 - a) A summary of relevant information gathered as part of any assessment
 - b) A copy of any relevant documents which will be used at the performance hearing
 - c) A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case the CCG will give as much information as possible while maintaining confidentiality
 - d) to ask the employee to provide details of any witnesses they wish to call
- During any hearings, formal meetings or appeals relating to the formal performance management procedure, employees are entitled to be accompanied by a work colleague or a Trade Union representative. The employee will be allowed to confer with the representative during the meeting; however, the representative does not have the right to answer questions on behalf of the employee. It is the employee's responsibility to arrange this representation.
- The choice of representative is a matter of choice for the employee, but the CCG reserves the right to refuse to accept a representative whose presence would undermine the process, or where it deems the choice of representative to be unreasonable e.g. someone from a remote geographical location, when there is someone suitable and willing available at the same location. Please note that individual work colleagues are not obliged to agree to accompany employees. Representatives will be given appropriate paid time off to allow them to accompany colleagues at a formal hearing.
- Employees must take all reasonable steps to attend the performance management meetings. Failure to do so without good reason may be treated as misconduct. If the employee or their representative is unable to

attend they should immediately inform their line manager who will seek to agree an alternative time within 5 working days following the date of the original meeting.

6. PROCEDURE AT PERFORMANCE MANAGEMENT HEARINGS

- The hearing will normally be held by the employee's line manager and could be attended by a member of the Human Resources Department.
- Relevant witnesses may be asked to appear at the hearing. The employee will be given the opportunity to respond to any information given by a witness.
- If the employee fails to attend the hearing without good reason, or is persistently unable to do so, a decision will be made based on the available evidence.
- The purpose of a performance hearing will include:
 - a) Setting out the required standards of performance and time scales for review.
 - b) Establishing the likely causes of poor performance, including reasons why any measures taken have not led to the required improvement.
 - c) Identifying whether there are further measures, such as additional training, supervision or other supportive measures which may improve performance.
- The employee will be informed in writing of the decision and the reasons for it, usually within one week of the performance hearing. Where possible the CCG will also explain this information to them in person.

7. STAGE 1 PERFORMANCE MANAGEMENT HEARING: VERBAL WARNING

Following a performance management hearing, if it is decided that the employee's performance is unsatisfactory, they will be issued with a verbal warning, setting out:

- a) The areas which have not met the required performance standards, i.e. Insufficient progress against objectives set.
 - b) Targets for improvement.
 - c) Any measures, such as additional training, support or supervision, which would need to be taken with a view to improving performance.
 - d) The period for review.
 - e) The consequences of failing to improve within the review period, or of further unsatisfactory performance.
- The period for review at Stage 1 is usually two months from the date of the Stage 1 Hearing. This review date may be brought forward if there is a substantial deterioration or insufficient improvement in performance.
 - The verbal warning will normally remain active for 6 months from the end of the review period.
 - After the active period, the warning will be disregarded in deciding the outcome of future performance proceedings.
 - The employee's performance will be monitored during the period of review and they will be informed in writing of the outcome at the end of that period:
 - a) if the employee's line manager is satisfied with the employee's performance, no further action will be taken;
 - b) if the employee's performance is still not satisfactory, the matter may be progressed to a Stage 2 performance hearing; or
 - c) if the line manager feels that there has been some improvement, or progress against objectives, but not sufficient to meet the required performance standards, the review period may be extended, usually by a month.

8. STAGE 2 PERFORMANCE MANAGEMENT HEARING: WRITTEN WARNING

- If the employee's performance does not improve sufficiently within the review period (original or extended), or if there is further evidence of poor performance while the employee's verbal warning is still active, the line manager may decide to hold a Stage 2 performance management hearing.
- The employee will be notified of this meeting in writing as detailed in Section 5.
- The performance management hearing will take place in line with the principles laid out in Section 6 above.
- Following the hearing, if it is decided that the employee's performance is still unsatisfactory, they will be issued a written warning, setting out:
 - a) the areas which have not met the required performance standards
 - b) the objectives for improvement;
 - c) any supportive measures that are being taken to assist the employee;
 - d) timeframe for review; and
 - e) the consequences of failing to improve within the review period
- The period for review is usually two months from the date of the Stage 2 performance management hearing. The review date may be brought forward if there is a substantial deterioration or insufficient improvement in performance.
- The written warning will normally remain active for 12 months from the end of the review period. After the active period, the warning will be disregarded in deciding the outcome of future performance proceedings.
- The employee's performance will be monitored during the review period and they will be informed in writing of the outcome at the end of that period:
 - a) if the employee's line manager is satisfied with the employee's performance, no further action will be taken;
 - b) if the employee's line manager is not satisfied, the matter may be progressed to a Stage 3 performance hearing; or
 - c) if the manager feels that there has been some improvement but not sufficient to meet the required performance standards, the review period may be extended.

9. STAGE 3 PERFORMANCE MANAGEMENT HEARING: FINAL WRITTEN WARNING

- The line manager may decide to hold a Stage 3 performance hearing if they have reason to believe:
 - a) the employee's performance has not improved sufficiently within the review period;
 - b) the employee's performance is unsatisfactory while the written warning is still active; or
- The hearing will follow the process detailed in Section 6 above.
- Following the performance management hearing, if it is decided that the employee's performance is still unsatisfactory, they will be issued a final written warning detailing-
 - a) Objectives that have not been met
 - b) The period of review
 - c) The consequences of failing to improve within the review period, or of further unsatisfactory performance.
- The final written warning will remain active for 12 months from the end of the review period. After the active period, the warning will be disregarded for the purposes of any future performance proceedings.
- The employee's performance will be monitored during the review period and they will be informed in writing of the outcome at the end of that period:
 - a) if the employee's line manager is satisfied with the employee's performance, no further action will be taken;
 - b) if the employee's line manager is not satisfied, the matter may be progressed to a Stage 4 performance hearing; or
 - c) if the manager feels that there has been some improvement but not sufficient to meet the required performance standards, the review period may be extended.

10. STAGE 4 PERFORMANCE MANAGEMENT HEARING: DISMISSAL

- A stage 4 performance hearing will be instigated when there is reason to believe:
 - a) The employee's performance has been grossly negligent such as to warrant dismissal without the need for a final written warning.
 - b) The employee's performance has not improved sufficiently within the review period set out in the final written warning;
 - c) The employee's performance is still unsatisfactory while a final warning is still active
- The hearing will follow the principles detailed in Section 6 above.
- The meeting will be chaired by a manager that has the authority to dismiss. They will be accompanied by a representative from the HR department.
- The employee will be given an opportunity to mitigate any points regarding their performance that are raised at the hearing.
- Following the hearing, if it is deemed that the employees performance is unsatisfactory, the decision to dismiss will be considered.
- Dismissal will normally be with full notice or payment in lieu of notice, unless the employee's performance amounts to gross negligence, in which case they may be dismissed without notice or any pay in lieu.
- The employee will be informed in writing giving the reasons for the dismissal and detailing their right of appeal. This letter will include:
 - (a) facts and reasons for the dismissal
 - (b) the last date of employment, and
 - (c) any necessary administrative or financial arrangements.

11. APPEALS

- If the employee feels that a decision made under the performance management procedure is wrong or unjust they should appeal in writing, stating their full grounds of appeal. The letter should be handed to the manager within one week of the date on which they were informed in writing of the decision.

- It is not sufficient merely to disagree with the decision made. The employee must stipulate their full grounds of appeal in writing, which should be one or more of the following:
 - (a) New evidence that was not previously obtainable
 - (b) Failure to follow the procedure
 - (c) The level of sanction received
- If the appeal is against dismissal, the date on which the dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the employee's appeal is successful they will be reinstated with no loss of continuity or pay.
- If any new matters are raised in the employee's appeal, further investigation may need to be carried out. If any new information comes to light the employee will be provided with a summary including, where appropriate, copies of additional relevant documents and witness statements. They will have a reasonable opportunity to consider this information before the hearing.
- The employee will be given written notice of the date, time and place of the appeal hearing. The appeal hearing will be held as soon as reasonably practicable.
- Where possible, the appeal hearing will be conducted by another manager at the same level or more senior and who has not been previously involved in the case. A member of the Human Resources Department will also usually be present. The employee may bring a companion with them to the appeal hearing.
- A hearing may be adjourned if the CCG need to gather any further information. The employee will be given a reasonable opportunity to consider any new information obtained.
- Following the appeal hearing the CCG may:
 - (a) confirm the original decision;
 - (b) revoke the original decision; or
 - (c) Substitute a different penalty.
- The employee will be informed in writing of the final decision as soon as possible. There will be no further right of appeal.

12. Associated Documentation

- This documentation should be read in conjunction with the CCG's attendance management policy, the appraisal policy and the NHS terms and conditions of work handbook.