

# Performance Improvement

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Author / Originator and Job Title:	Eleanor Palmer-Rigby – Workforce Business Partner Kerry Scholes – Interim Workforce Business Partner				
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## Version Control Sheet

This must be completed and form part of the document appendices each time the document is updated and approved

Date dd/mm/yy	Version	Author	Reason for changes
Dec 2019	4	Eleanor Palmer-Rigby – Workforce Business Partner Kerry Scholes – Interim Workforce Business Partner	In support of a Just and Learning Culture with minor amendments to wording within the Formal Stages

## Consultation / Acknowledgements with Stakeholders

Name	Designation	Date Response Received
Human Resources	Policy Forum	13/02/20

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## 1 Introduction / Purpose

Blackpool Teaching Hospital (the Trust) recognises the need for a policy to help and encourage all employees to achieve and maintain effective work standards as described in the individuals' job description and to consistently display behaviours in line with the Trust Values.

This policy is intended to ensure consistent and fair treatment for all employees who experience difficulties in performing the duties of the post or behaving in line with our Trust Values. Performance improvement matters must be dealt with fairly and all employees have the opportunity to respond before taking further action.

## 2 General Principles / Target Audience

The Policy applies to all employees working under Agenda for Change Terms and Conditions and Conditions of Employment.

### 2.1 Principles

This policy should be applied sequentially. However, in individual cases consideration may be given to move to the latter stages of the policy where a serious situation occurs, or where the employee is not demonstrating efforts to improve, or where the employee has not shown sustained improvement and has been managed via this policy in the previous 12 months (in this case the Manager can revert back to the stage that the employee was previously at).

It is essential that line managers consider that health could be an important factor in an employee's performance and must ensure that they are supporting employees by the appropriate process.

This Policy is not intended to cover situations where performance issues relate to a lack of effort, negligence or a refusal to work to required standards; this will be managed through the Trust's Disciplinary Policy.

Staff employed on or after 1<sup>st</sup> April 2019, who are currently at the Formal Stage 2 or Stage 3 of the Performance Improvement Policy will NOT achieve pay progression until the Performance Management process is concluded.

## 3 Definitions and Abbreviations

HR Human Resources.

Performance Improvement (capability)

Refers to an employee's skills, aptitude, ability and knowledge in relation to the job they are employed to do. Performance Improvement is different to misconduct in that it refers to situations where an employee is genuinely trying to perform to the required standard but is unable to do so.

Misconduct Refers to a deliberate failure to perform, poor attitude, or failure to meet standards as a result of carelessness, negligence or idleness.

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## 4 Responsibilities

### 4.1 Managers

- Managers must ensure that employees are aware of the expectations of them in their role during the course of their employment.
- All employees should have an up to date job description and person specification and should participate fully in at least one performance appraisal per year where their performance is evaluated.
- Managers should address issues or concerns regarding performance as it occurs and should not wait until the annual appraisal in which to raise any concerns.
- In order to effectively manage performance improvement, Managers should take into account the possible causes of the concern. Causes can include, but are not limited to:
  - inadequate or insufficient training,
  - systems, policies and procedures,
  - tools or equipment,
  - health and well-being,
  - supervision or support.
- Managers must ensure that all targets are measurable.
- Managers should consider possible solutions including coaching the employee, reviewing systems, reviewing policies and/or procedures, enlisting supervision and/or support, fixing faulty equipment, reviewing workloads, clarifying job roles, providing instructions, an occupational health referral, additional training for the employee or supervisor.
- On commencing this process, Managers must maintain regular communication with the employee to review progress and timeframes.

### 4.2 Employee

- All employees must be clear about the standard of work expected during the course of their employment and this includes having a clear understanding of their role and responsibilities.
- All employees should participate fully in at least one performance appraisal per year where their performance is evaluated.
- All employees should engage with the process and raise any issues they may have.
- All employees should seek appropriate support if needed.
- All employees should highlight any concerns and/or barriers at the earliest opportunity.
- All employees have the right to be accompanied by their union representative or a work colleague at all stages of the process.

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### 4.3 Trade Unions

- Trade Union representatives have an important role to play in providing advice and support to their members and to work in partnership with Managers to ensure optimum levels of employee's performance, conduct and behaviour.
- In any formal meeting the representative will have the opportunity to address the meeting in order to present the employee's case. They cannot, however, answer a question directly asked of the employee.
- Trade Unions will support management and the employee in the provision of training where possible via Learner Reps.

## 5 Process

### 5.1 Performance Improvement Stage 1(Informal)

Managers must identify the areas of concern and address these concerns regarding performance as they occur.

Managers should discuss with the employee the areas of concern and work with them to agree targets and solutions for improved performance within an agreed timescale (normally between 4-8 weeks, however this may be extended dependant on agreed targets).

The outcome of the meeting, including any agreed targets, actions and review dates, will be confirmed in writing to the employee within 7 days of the meeting and a copy of the letter is to be placed on the employee's personal file.

During the review period the employee's performance will be monitored. The Manager will have regular contact with the employee to discuss progress against the agreed objectives and advise if there is a continuing cause for concern.

If satisfactory improvement is achieved and maintained, no further action shall be taken. This will be confirmed in writing to the employee and a copy of the letter will be placed on the employee's personal file.

Failure to achieve the required improvements within the agreed timescale may result in the formal stage of this policy being applied.

### 5.2 Performance Improvement Stage 2 (Formal)

If informal performance management does not lead to the required improvement within the agreed timescales, the Manager will write to meet the employee in a Stage 2 (Formal) meeting.

At all formal meetings, employees have the right to be accompanied by a member of a recognised trade union or a work colleague. Managers may be accompanied by a Human Resources (HR) Representative at all formal meetings.

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The employee must be notified in writing of the meeting details, including date, time and venue along with a copy of the previous action plan from the informal stage of the process. Managers must ensure that employees receive the meeting notification a minimum of 7 days beforehand.

At the meeting the manager and employee will:

- discuss progress towards achieving the required standards,
- review the objectives and associated paperwork against which the employee's performance has been evaluated,
- consider reasons for the continuation of unsatisfactory performance,
- analyse the support that has been provided during the review period including any identified training that has taken place,
- review and update the performance expectations,
- agree a realistic timescale for improvement dependent upon the scale of improvement required and the length of the previous review period (normally between 4 and 8 weeks however this may be shortened or extended dependant on circumstances).

The outcome of the meeting will be confirmed in writing to the employee along with a copy of the updated agreed action plan, within 7 days of the meeting taking place and a copy of the letter and action plan will be placed on the employee's personal file.

During the formal stage the employee's performance will be monitored. The Manager will have regular contact with the employee to discuss progress against the objectives and advise if there is a continuing cause for concern.

If satisfactory improvement is achieved and maintained, no further action shall be taken. This will be confirmed in writing to the employee and a copy will be kept on the employee's personal file.

Staff employed on or after 1<sup>st</sup> April 2019, who are currently at the Stage 2 (Formal) of the Performance Improvement Policy will NOT achieve pay progression until the Performance Management process is concluded.

### **5.3 Performance Management Stage 3 (Formal)**

If the Stage 2 (Formal) process does not lead to the required improvement, the Manager will meet the employee in a Stage 3 (Formal) meeting which will follow the same process as at Stage 2 (Formal).

At the meeting the Manager and employee will:

- discuss progress towards achieving the required standards,
- review the objectives and associated paperwork against which the employee's performance has been evaluated,

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- consider reasons for the continuation of unsatisfactory performance,
- analyse the support that has been provided during the review period including any identified training that has taken place,
- review and update the performance expectations,
- agree a realistic timescale for improvement dependent upon the scale of improvement required and the length of the previous review period (normally between 4 and 8 weeks however this may be shortened or extended dependant on circumstances).

Consideration should be given at this stage to alternative vacancies which the employee would be competent to fill. If there are suitable alternative vacancies, details will be given to the employee. These will be at a similar or lower grade and employees will be guaranteed an interview if they meet the minimum criteria outlined in the person specification in accordance with the process for redeployment. No appointment can be guaranteed, however, where appointment is offered the employee is not entitled to pay protection.

Whilst seeking alternative employment the Manager must determine where best to place the employee, which may include temporary reassignment to alternative duties.

Any post applied for and any interview attended must take place during the agreed review period.

The employee must be informed by letter that if the required improvement is not achieved within the agreed timescales of the Stage 3 (Formal) process, consideration will have to be given to dismissal/alternatives to dismissal.

Staff employed on or after 1<sup>st</sup> April 2019, who are currently at the Stage 3 (Formal) process of the Performance Improvement Policy will NOT achieve pay progression until the Performance Management process is concluded.

#### **5.4 Performance Improvement Stage 4 Final Review Hearing**

Managers must not consider this stage of the process unless the employee has been made fully aware of the possible consequences as a result of their lack of satisfactory improvement and they have been given sufficient time to achieve the targets set. The length of time allowed to improve will vary, depending on the circumstances, but should take into account the knowledge and experience of the employee, the nature of their job role and previous work performance.

However, if all courses of action have been unsuccessfully concluded, employment may be terminated at a formal hearing which will follow the process outlined within the Trust' Disciplinary Policy. The hearing must be chaired by a Senior Manager Grade 8b or above and must be arranged to take place in a timely manner following the outcome of Stage 3 (Formal).

The employee may be dismissed with the appropriate notice period or with payment in lieu of notice where it is considered inappropriate for the employee to remain in work.

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Where an employee has a professional registration, an Executive Director of the Trust may authorise notification to their Professional Regulating Body if there are serious concerns about an employee's ability to carry out their professional role.

## 5.5 Appeals

Employees have the right of appeal against the outcome of the Stage 4 Review Hearing. This will be heard by a more senior level manager to that heard the Stage 4. Appeals against dismissal will be heard by a Panel of 2 Directors, one of whom must be a Non-Executive Director. A senior member of HR will also be present to support the panel.

An appeal must be made in writing within 14 days of receipt of the letter detailing the meeting outcome and must include clear grounds upon which the appeal is made.

The manager will respond to the grounds of appeal in writing and provide copies to the appeal panel and employee, ensuring reasonable time for all parties to review prior to the meeting.

## 6 References and Associated Documents

BTHFT - Procedure, 2017. *Organisational Change and Redundancy Policy*. [Online]  
Available at: <http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-POL-255.docx>

[Accessed 13 01 2020].

BTHFT - Procedure, 2018. *Attendance Management Policy*. [Online]

Available at: <http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-POL-011.docx>

[Accessed 13 01 2020].

BTHFT - Procedure, 2018. *Disciplinary and Appeal Procedure*. [Online]

Available at: <http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-PROC-636.docx>

[Accessed 13 01 2020].

BTHFT - Procedure, 2019. *Disciplinary Policy*. [Online]

Available at: <http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-POL-525.docx>

[Accessed 09 07 2020].

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Appendix 1: Equality Impact Assessment Form					
Department	Organisation Wide	Service or Policy	Policy	Date Completed:	October 2018
<b>GROUPS TO BE CONSIDERED</b>					
Deprived communities, homeless, substance misusers, people who have a disability, learning disability, older people, children and families, young people, Lesbian Gay Bi-sexual or Transgender, minority ethnic communities, Gypsy/Roma/Travellers, women/men, parents, carers, staff, wider community, offenders.					
<b>EQUALITY PROTECTED CHARACTERISTICS TO BE CONSIDERED</b>					
Age, gender, disability, race, sexual orientation, gender identity (or reassignment), religion and belief, carers, Human Rights and social economic / deprivation.					
QUESTION	RESPONSE		IMPACT		
	Issue	Action	Positive	Negative	
What is the service, leaflet or policy development? What are its aims, who are the target audience?	The Policy Document is to ensure that all members of staff have clear guidance on processes to be followed. The target audience is all staff across the organisation who undertakes this process.	Raise awareness of the organisations format and processes involved in relation to the procedural document.	Yes – clear processed identified		
Does the service, leaflet or policy/ development impact on community safety	Not applicable to community safety or crime	N/A	N/A		
<ul style="list-style-type: none"> <li>• Crime</li> <li>• Community cohesion</li> </ul>					
Is there any evidence that groups who should benefit do not? i.e. equal opportunity monitoring of service users and/or staff. If none/insufficient local or national data available consider what information you need.	No	N/A	N/A		
Does the service, leaflet or development/ policy have a negative impact on any geographical or sub group of the population?	No	N/A	N/A		
How does the service, leaflet or policy/ development promote equality and diversity?	Ensures a cohesive approach across the Organisation in relation to the procedural document.	All policies and procedural documents include an EA to identify any positive or negative impacts.			
Does the service, leaflet or policy/ development explicitly include a commitment to equality and diversity and meeting needs? How does it demonstrate its impact?	The Policy includes a completed EA which provides the opportunity to highlight any potential for a negative / adverse impact.				
Does the Organisation or service workforce reflect the local population? Do we employ people from disadvantaged groups	Our workforce is reflective of the local population.				
Will the service, leaflet or policy/ development	N/A				
<ul style="list-style-type: none"> <li>i. Improve economic social conditions in deprived areas</li> <li>ii. Use brown field sites</li> <li>iii. Improve public spaces including creation of green spaces?</li> </ul>					
Does the service, leaflet or policy/ development promote equity of lifelong learning?	N/A				
Does the service, leaflet or policy/ development encourage healthy lifestyles and reduce risks to health?	N/A				
Does the service, leaflet or policy/ development impact on transport? What are the implications of this?	N/A				
Does the service, leaflet or policy/development impact on housing, housing needs, homelessness, or a person's ability to remain at home?	N/A				
Are there any groups for whom this policy/ service/leaflet would have an impact? Is it an adverse/negative impact? Does it or could it (or is the perception that it could exclude disadvantaged or marginalised groups?	None identified				

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Does the policy/development promote access to services and facilities for any group in particular?	No			
Does the service, leaflet or policy/development impact on the environment	No			
<ul style="list-style-type: none"> <li>During development</li> <li>At implementation?</li> </ul>				
<b>ACTION:</b>				
Please identify if you are now required to carry out a Full Equality Analysis			No	(Please delete as appropriate)
Name of Author:	Eleanor Palmer-Rigby	Date Signed:		October 2019
Signature of Author:				
Name of Lead Person:	Eleanor Palmer-Rigby	Date Signed:		October 2019
Signature of Lead Person:				
Name of Manager:	Lesley smith-Payne	Date Signed:		October 2019
Signature of Manager				