Trust-wide Document

Improving Performance Policy

Document No	HR - 00053			Version No	1.0
Approved by	Director of Gov	verna	nce &	Date Approved	13/11/19
	Assurance				
Ratified by	Employee Part			Date Ratified	28/10/19
Date implement	ed (made live f	for	13/11/19	Next Review	28/10/22
use)				Date	
Status		IVE			
Target Audience				All employees directly	
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relevant legislation e.g. Equality Act 2010 (Ref 6) and the Advisory, Conciliation and					
Arbitration (ACAS) guidelines (Ref 5).					
Review period . This document will be fully reviewed every three years in					
accordance with the Trust's agreed process for reviewing Trust –wide					
documents. Changes in practice, to statutory requirements, revised professional					
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the change is ide		, 110110			

Contents

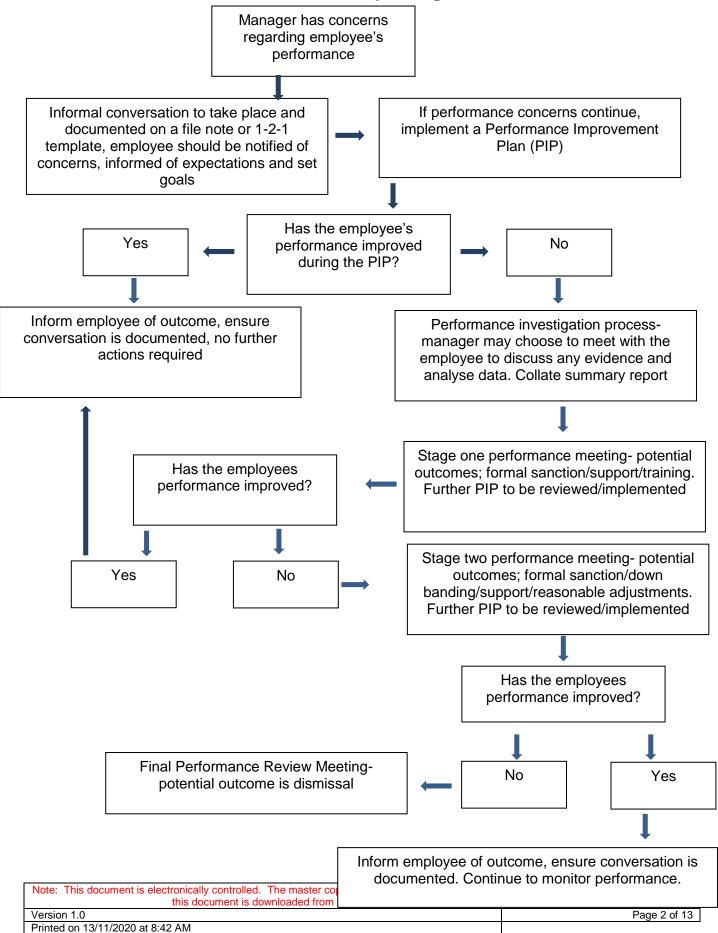
Instant Info	rmation – Flow Chart for Improving Performance	2
1	Introduction & Purpose	3
1.1	Introduction & Purpose	3
1.2	Glossary/Definitions	3
2	Main Document Requirements	3
2.1	Informal Performance Management	4
2.2	Dealing with Issues or Concerns Early	4
2.3	1:2:1 Meetings/Informal Conversations	5
2.4	Appraisals	5
2.5	Performance Improvement Plan (PIP)	5
2.6	Formal Performance Management	6
2.6.1	Investigation	6
2.7	Record of a Formal Performance Meeting	6
2.8	Formal Stage One Performance Meeting	6
2.9	Formal Stage Two Performance Meeting	7
2.10	Down Banding	7
2.11	Mentorship	7
2.12	Final Formal Performance Meeting	8
2.13	Formal Meetings	8
2.14	The Right to Appeal	8
2.15	The Right to be Accompanied	9
2.16	Appointment of a Formal Meeting Manager	9
2.16.1	Table of Authority	9
3	Monitoring Compliance and Effectiveness of Implementation	9
4	Duties and Responsibilities of Individuals and Groups1	0
4.1	Chief Executive 1	0
4.2	Ward Managers, Matrons and Managers for Non Clinical Services	0
4.3	Employees 1	0
4.4	Human Resources 1	0
4.5	Trade Unions 1	0
4.6	Document Author and Document Implementation Lead 1	0
4.7	Target Audience – As indicated on the Cover Page of this Document 1	0
5	Further Reading, Consultation and Glossary1	1
5.1	References, Further Reading and Links to Other Policies 1	1
5.2	Consultation Process 1	1
6	Equality Impact Assessment 1	1
Appendix A	A - STAGE 1: Initial Screening For Equality Impact Assessment	2

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 Version 1.0
 Page 1 of 13

 Printed on 13/11/2020 at 8:42 AM
 Page 1 of 13

Instant Information – Flow Chart for Improving Performance



1 Introduction & Purpose

1.1 Introduction & Purpose

Great Western Hospitals NHS Foundation Trust (the Trust) is committed to encouraging it's employees to maintain appropriate performance at work, and providing them with the tools and environment to do so. It is expected that employees demonstrate professionalism through their conduct, actions and words whilst meeting the requirements of their Job Descriptions when carrying out the duties in accordance with the Trusts Service, Teamwork, Ambition, and Respect (STAR) values.

This policy provides a framework for guidance in managing an employee's performance when it falls below the standards as outlined above in the STAR values.

1.2 Glossary/Definitions

The following terms and acronyms are used within the document:

CD	Compact Disc
HR	Human Resources
IT	Information Technology
NHS	National Health Service
ОН	Occupational Health
PIP	Performance Improvement Plan
SMART	Specific, Measurable, Achievable, Realistic, Time
STAR	Service, Team, Ambition, Respect

2 Main Document Requirements

The Trusts STAR values provide a foundation for which it operates; the way in which its employees act, the way in which its employees speak and the way in which its employees treat their patients and their colleagues. The Trust STAR values underpin the Improving Performance Policy, and represent the way in which the procedure is used in practise. The table below outlines how each of the STAR values relates to this policy.

SERVICE, Teamwork, Ambition, Respect	
Service – We will put our customers first	 Ensure all employees are capable of delivering exceptional service in their individual roles Clear expectations of what excellent looks like provided by management Service delivery can only be achieved with a competent workforce Make patient care and safety our priority
Teamwork – We will work together	 Awareness of the impact that poor performance has on the Trust and the team To ensure your team members can rely on you The Trust provides the right training and support to enable employees to do their roles For managers to apply this policy fairly and consistently

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Version 1.0	Page 3 of 13		
Printed on 13/11/2020 at 8:42 AM			

	•	Demonstrate professionalism	
Ambition – We will aspire to provide the best service	•	For all to strive to provide the best performance to deliver excellent patient care Take pride in our work Act as a good role model Have a positive attitude Encourage others	
Respect – We will act with integrity	• • • •	Be open and honest whilst maintaining confidentiality Be an advocate for the Trust Demonstrate compassion and empathy Treat others with dignity	

2.1 Informal Performance Management

Performance management relates to an employee's capability to fulfil their role to the standards contained within their job description. Many issues of performance can and should be resolved through informal discussion and without recourse to the formal performance procedure. With continued support, monitoring and review over an agreed period (minimum one month) it is anticipated that in most cases the employee will meet the required standard. Failure to meet the agreed standard of the review will automatically lead to the formal stages of this procedure being used.

Examples of under performance may include (but is not limited to) the following:

- Inability to perform a role due to ill health despite reasonable adjustments being put in place. •
- Poor communication towards patients, relatives and/or colleagues in line with STAR values.
- Failure to escalate and/or raise issues or concerns using the correct process. •
- Inability to perform the role as laid out in the job description. •
- Failure to manage teams and/or direct reports effectively or appropriately. •
- Failure to achieve or maintain the qualifications which are mandatory for a role •

2.2 **Dealing with Issues or Concerns Early**

Employees work in an environment where they either have responsibility for the care of patients and their safety, or work in roles to support colleagues to deliver this. Timely action is therefore vital to ensure the Trust is delivering high quality patient care and experience.

Quality of care relates to the way employees behave with their colleagues and starts with integrity, honesty and an understanding that the way they are at work, the way they interact and the way they speak can impact on the people they work alongside. All too often in busy work environments it is easy to overlook dealing with concerns or issues early, whereby nipping things in the bud may save something unnecessarily building up into a complex issue.

It is key that managers and teams deal with any concerns or issues early where needed, so that issues aren't left unresolved. If managers are able to provide coaching or facilitating to employees/teams to provide support, it may prevent issues escalating into formal grievances or disciplinary action being taken and the employment relationship breaking down or suffering as a result.

There is an option for Trust employees to explore alternative roles that may be suitable but a vacancy must be available and the responsibility is on the employee to search and seek alternative positions.

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Version 1.0	Page 4 of 13		

2.3 1:2:1 Meetings/Informal Conversations

Managers must give their employees regular, specific and constructive feedback on both positive and less than satisfactory aspects of performance during the normal recourse of scheduled 1:2:1 meetings. Managers must also ask for feedback on the support and development the manager is making available to the employee to facilitate two way feedback and communication.

2.4 Appraisals

Managers must always be monitoring the performance of their employees and performance reviews can be a vital tool in ensuring effective two-way feedback is given regarding performance. Feedback on performance should be constructive, with the priority being to find ways in which good improvement can be achieved and sustained; this may include the provision of additional support, guidance or training.

Appraisals also allow managers to discuss and agree SMART (Specific, Measurable, Achievable, Time bound) objectives with the employee, ensuring clarity on the expectations and standards required of them in their role. A personal development plan will also be discussed and agreed during the appraisal to support the employee in meeting their SMART objectives.

2.5 Performance Improvement Plan (PIP)

The creation of a PIP forms a key part of the informal process as set out in section two of this policy. The PIP should provide a supporting framework to ensure an employee's performance improves to the standard set out in the PIP and be clear over the areas of concern, the success criteria and the review date. The PIP must be based around SMART objectives.

The manager must regularly hold documented meetings with the employee to review the PIP and progress made, provide feedback and identify any further support that may be required.

A final review meeting must also take place at the end of the agreed timescale; which is where the decision is to be made as to whether:

- The employee's performance has improved to the required standard and the employee is to be informed that no further action will be taken, under the Performance Management Policy.
- There has been some improvement in performance, however the performance at the required standard has not been consistent, and therefore an extension may be considered.
- The employee is incapable of achieving the required standards, or the employee's performance has consistently not met the required standards, and therefore the formal stage of the policy should be implemented (see section 2.6).

Extensions of PIP's should only be considered in exceptional circumstances and advice must be sought from the HR team.

Any extension to the PIP can only be for a short period of time up to a maximum of eight weeks. Where a PIP is extended the following must be discussed with the employee and documented:

- Length of the extension and the date on which the extended PIP will end.
- The reason for the extension.
- The performance standards or objectives that the employee is required to achieve by the end of the extended probationary period.
- Any support that will be provided during the extension e.g. training.
- The potential outcome if they do not reach the required level of performance.

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Version 1.0 Page 5 of 13				
Printed on 13/11/2020 at 8:42 AM				

2.6 Formal Performance Management

2.6.1 Investigation

If the PIP has not achieved any improvement on the employee's performance and it appears to the manager that the employee is incapable of achieving the standards of performance required for the role, managers are required to begin an investigation to facilitate the formal performance management process.

The investigation process consists of the following steps, in order to establish a thorough understanding of the facts:

- Assess if the PIP has been sufficient to allow the employee to improve
- In certain cases, the investigating manager may interview the employee and/or witnesses and analyse data including Information Technology (IT) systems.
- Support and additional training already provided will be discussed.
- The employee will then be provided with full details of the issue, advice and evidence in the form of a performance summary report prior to them attending a formal meeting

2.7 Record of a Formal Performance Meeting

A recording device will be provided for all formal meetings to ensure an accurate record of the meeting is held. The employee will be informed at the start of the meeting that the meeting will be recorded and if they are happy to continue, they will also be advised that on request they can ask for a copy of the recording on a Compact Disc (CD). Meeting notes will only be transcribed in exceptional circumstances and if required. Please read the Procedure for the Recording of HR Meetings which is available on the Trust Intranet – HR Toolkits.

2.8 Formal Stage One Performance Meeting

If informal action has failed, the line manager, once they have assembled the performance summary report and supporting evidence, should arrange a formal Stage One performance review meeting with the employee. At least five calendar days' notice will be given to the employee to attend and they will be provided with a copy of the performance summary report.

The meeting must commence with the manager explaining that the employees continued level of performance is giving cause for concern. The Stage One meeting should also review the support measures and reasonable adjustments that were made during the informal process, and highlight any further concerns in relation to the employee's performance. The employee must be given the opportunity to present their view and explanation at this meeting. Employees may choose to be accompanied at this meeting by a colleague companion or a union representative. HR will attend this meeting.

If it is deemed that there has been an insufficient improvement in performance, a First Written Warning may be issued. Consideration at this stage may also be given to the following options in order to support the employee in improving their performance:

- Coaching or Supervision.
- Counselling.
- Further or additional education or training.
- A temporary adjustment of duties, consistent with the needs of the service and which does not change the character of the job.
- A review of additional working commitments, this could include secondary employment, overtime and bank work that could be impacting the employees ability to support their own well-being and their capability to maintain their performance in their substantive post.

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Version 1.0 Page 6 c				
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Once this sanction has been issued, a review period should be agreed, a further PIP set and regular reviews should still take place. Where improvement has not been maintained, the Improving Performance Policy may be revisited and commenced at the stage it was left.

2.9 Formal Stage Two Performance Meeting

If there has been no significant improvement at the end of the Stage One review period the employee must be informed that their performance is still unacceptable and that they will be called to a Stage Two performance review meeting. At least five calendar days' notice will be given to the employee to attend.

Employees who are a member of a union have the right to be accompanied at this meeting by a trade union representative or an official employed by a trade union and certified as being competent to accompany a worker. Alternatively employees have the right to be accompanied by a workplace companion. HR will attend this meeting.

At this Stage Two formal meeting, the manager must consider the support put in place to improve the employee's performance and any improvement made. The employee must also be informed that this is their final opportunity to achieve the required standard of performance. A reasonable timescale for review must be given and the employee must be made aware of the consequence of not meeting the required improvements. The employee will again be consulted over the shortcomings in their performance, and the PIP should be reviewed.

At this point the manager conducting the meeting may issue a Final Written Warning for failing to meet the standards established at the Stage One meeting. This warning will be live for 12 months from the date it was issued.

Once this sanction has been issued, a new review period should be agreed and a further PIP set and regular reviews should still take place.

Depending on the severity of the concerns raised relating to an employee's capability, the Trust reserves the right to proceed straight to a Stage Two Performance Meeting where it would be reasonable to do so. An employee will not be dismissed on the grounds of capability unless at least one formal performance meeting has taken place under this policy.

2.10 Down Banding

If, despite warnings in the earlier stages to the formal process, the employee's performance remains unacceptable, or no significant improvement has been achieved, they will be called into a Final Formal Meeting, at which the decision may be to down band, or ultimately dismiss.

Down Banding options for the employee may be considered as an alternative to dismissal on the grounds of capability, if an appropriate post is available. This is typically to a lower banded post within the Trust, in which it is felt the employee will be able to perform effectively. An employee will not be entitled to pay protection in these circumstances.

2.11 Mentorship

It may be an additional recommendation from a formal meeting that an employee is assigned an appropriate mentor (this may be a peer or a more senior colleague) for a specified period of time. The purpose of this is to ensure the employee is supported in their role following the formal meeting, and an on-going relationship of learning, dialogue and challenge is facilitated.

Details of this recommendation must be provided to the employee's line manager for implementation.

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Version 1.0 Page 7 of 13				
Printed on 13/11/2020 at 8:42 AM				

2.12 Final Formal Performance Meeting

If an appropriate post for down banding is not available, or if the employee refuses to participate in the process, the employee's contract could be terminated on the grounds of capability.

Dismissals under the performance management procedure must be confirmed in writing within seven days.

If a potential outcome of a formal meeting is dismissal, a different manager to the investigating manager must be appointed to conduct the formal meeting.

Employees who are a member of a union have the right to be accompanied at this meeting by a trade union representative or an official employed by a trade union and certified as being competent to accompany a worker. Alternatively employees have the right to be accompanied by a workplace companion. HR will attend this meeting.

2.13 Formal Meetings

Witnesses to the circumstances may be called by the hearing manager or by the employee. All witnesses will co-operate fully with the hearing process and failure to do so may result in their conduct being addressed in accordance with this policy and procedure. Witnesses will be supported during the process and adjustment may be considered to enable witnesses to engage in the process.

In circumstances where it is deemed appropriate by the hearing manager or by the employee, the investigating officer will be invited to present the case and answer any questions by the hearing manager, employee and/or their representative.

The hearing manager, at their discretion can adjourn the hearing in order that further evidence may be produced. Any further evidence will be submitted to the employee for consideration and response.

The hearing manager is empowered to recall witnesses or the investigating officer if they consider that this will help them arrive at a decision. In these circumstance the employee and/or their representative will be invited to the meeting

Outcome	Duration	
Performance Improvement Plan	Continues until agreed target is met within reasonable timescale	
	set	
1 st Formal Warning	6 Months	
2 nd Formal Warning	12 Months	
Dismissal		
Other Sanctions which may be used alongside the outcomes above		
Training relating to performance		
Down Banding - No pay protection		
Transfer to another department		

2.14 The Right to Appeal

An employee has the right to appeal against any formal sanction taken at all stages of this policy. Appeals must be made in writing to the HR representative who attended the meeting, no later than seven calendar days from receipt of the letter confirming the outcome of the meeting.

Any appeal must explain the grounds for doing so, which must be either that the employee felt the decision was unreasonable, the manager did not take account of all the evidence or the employee has further evidence which may affect the outcome.

An appropriate manager will be appointed by HR in conjunction with Divisional Senior Management to hear the appeal and the employee will be invited to attend an appeal meeting without unreasonable

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Version 1.0	Page 8 of 13			
Printed on 13/11/2020 at 8:42 AM				

delay, usually within 14 calendar days of receipt of the appeal letter. The appeal meeting is a formal meeting and employees have the right to be accompanied.

The appeal manager may request the original manager to attend the appeal hearing as a witness to ensure rationale of the original decision is clear.

The employee must be informed of the decision in writing and the decision of the appeal meeting will be final.

2.15 The Right to be Accompanied

- Employees have the right to be accompanied to meetings at the formal stages of this policy.
- Employees can be accompanied by a workplace colleague, a trade union representative or an official employed by a trade union and certified as being competent to accompany a worker. There is no right to be accompanied by a solicitor or legal representative.
- An employee can request to reschedule an informal or formal meeting once for up to seven calendar days from the original date of the meeting to allow more time for preparation and/or due to the availability of their companion.
- If the employee is unwilling or unable to attend a rescheduled meeting, the appointed manager will use the available evidence to make their decision and confirm this in writing to the employee.

2.16 Appointment of a Formal Meeting Manager

2.16.1 Table of Authority

Possible outcome of formal meeting	Who has the authority to chair the meeting?
First or Final Written Warning	Employee's line manager or manager of equivalent
	banding
Appeal Meeting for First or Final Written	Equivalent or higher banding to the original hearing
Warning	manager
Dismissal	8A or above
Appeal Meeting for Dismissals	8B or above (outside of the employee's Division)

3 Monitoring Compliance and Effectiveness of Implementation

The arrangements for monitoring compliance are outlined in the table below: -

Measurable policy objectives	Monitoring or audit method	Monitoring responsibility (individual, group or committee)	Frequency of monitoring	Reporting arrangements (committee or group the monitoring results is presented to)	What action will be taken if gaps are identified
Each employee of the Trust has an annual performance review (appraisal)	Reporting on seasonal performance review rates	Workforce Information Team	Monthly	Managers responsible for ensuring performance reviews are conducted	HR team will identify any gaps and escalate to the Divisional Director

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 Version 1.0
 Page 9 of 13

 Printed on 13/11/2020 at 8:42 AM
 Page 9 of 13

4 Duties and Responsibilities of Individuals and Groups

4.1 Chief Executive

The Chief Executive is ultimately responsible for the implementation of this document.

4.2 Ward Managers, Matrons and Managers for Non Clinical Services

All Ward Managers, Matrons and Managers for Non Clinical Services must ensure that employees within their area are aware of this document; able to implement the document and that any superseded documents are destroyed.

4.3 Employees

Employees will:

- Act in accordance to the Trust's STAR values at all times and perform to a standard that will enable them to carry out their duties and responsibilities.
- Employees are responsible for co-operating and contributing to the performance management. procedure and should make every effort to attend any meetings arranged by management.
- Employees are responsible for arranging suitable representation where appropriate.
- Ensure they are up to date with all relevant mandatory training requirements.

4.4 Human Resources

Human Resources will:

- Provide guidance and advice to employees at all levels within the Trust.
- To ensure this policy is applied in a fair and consistent manner.
- Provide accurate performance management data to managers.
- Provide analysis of trends and hotspots to the Trust.
- Review the effectiveness of the policy and procedure.
- Provide solutions focused advice taking into account relevant employment legislation.
- Ensure meeting under this policy are conducted without unreasonable delay.

4.5 Trade Unions

Trade Unions will:

- Provide support and guidance to employee's.
- Represent the employee.
- Work in partnership with the Trust to support an open and honest culture.
- Support with the review of the effectiveness of the policy.

4.6 Document Author and Document Implementation Lead

The document Author and the document Implementation Lead are responsible for identifying the need for a change in this document as a result of becoming aware of changes in practice, changes to statutory requirements, revised professional or clinical standards and local/national directives, and resubmitting the document for approval and republication if changes are required.

4.7 Target Audience – As indicated on the Cover Page of this Document

The target audience has the responsibility to ensure their compliance with this document by:

- Ensuring any training required is attended and kept up to date.
- Ensuring any competencies required are maintained.

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Version 1.0	Page 10 of 13	
Printed on 13/11/2020 at 8:42 AM		

• Co-operating with the development and implementation of policies as part of their normal duties and responsibilities.

5 Further Reading, Consultation and Glossary

5.1 References, Further Reading and Links to Other Policies

The following is a list of other policies, procedural documents or guidance documents (internal or external) which employees should refer to for further details:

Ref. No.	Document Title	Document Location
1	Performance Toolkit	Intranet
2	Health and Wellbeing (Including Stress) Policy	T:\Trust-wide Documents
3	Star Values	T:\Trust-wide Documents
4	Appraisal Policy	T:\Trust-wide Documents
5	ACAS Guidance	www.acas.org.uk
6	The Equality Act	www.equalityhumanrights.com

5.2 Consultation Process

The following is a list of consultees in formulating this document and the date that they approved the document:

Job Title / Department	Date Consultee Agreed Document Contents
Human Resources Business Partner	16/08/19
HR Advisor	16/08/19
Ward Manager, Planned Care	18/09/19
Head of Service, Planned Care	18/09/19
Senior Sister, Unscheduled Care	18/09/19

6 Equality Impact Assessment

An Equality Impact Assessment (EIA) has been completed for this document and can be found at Appendix A.

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Appendix A - STAGE 1: Initial Screening For Equality Impact Assessment

,	is stage, the following questions need to be considered:		
1	What is the name of the policy, strategy or project? Improving Performance Policy		
2.	Briefly describe the aim of the policy, strategy, and project. What needs or duty is it designed to meet? This policy provides a framework for guidance in managing an employee's performance when it falls below the standards as outlined above in the STAR values.		
3.	Is there any evidence or reason to believe that the policy, strategy or project could have an adverse or negative impact on any of the nine protected characteristics (as per Appendix A)?	No	
4.	Is there evidence or other reason to believe that anyone with one or more of the nine protected characteristics have different needs and experiences that this policy is likely to assist i.e. there might be a <i>relative</i> adverse effect on other groups?	No	
5.	Has prior consultation taken place with organisations or groups of persons with one or more of the nine protected characteristics of which has indicated a pre- existing problem which this policy, strategy, service redesign or project is likely to address?	No	

Signed by the manager undertaking the	Renee Santos
assessment	
Date completed	06/11/2019
Job Title	HR Advisor

On completion of Stage 1 required if you have answered YES to one or more of questions 3, 4 and 5 above you need to complete a <u>STAGE 2 - Full Equality Impact Assessment</u>

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Version 1.0 Page 12 of 1		
Printed on 13/11/2020 at 8:42 AM		

Equality Impact Assessment

Are we Treating Everyone Equally?

Define the document. What is the document about? What outcomes are expected?

Consider if your document/proposal affects any persons (Patients, Employees, Carers, Visitors, Volunteers and Members) with protected characteristics? Back up your considerations by local or national data, service information, audits, complaints and compliments, Friends & Family Test results, Staff Survey, etc.

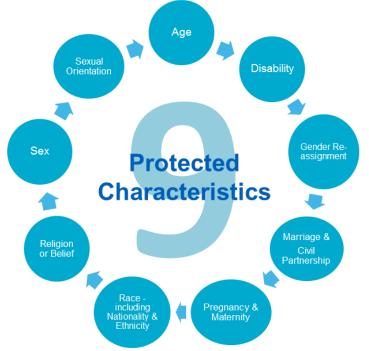
If an adverse impact is identified what can be done to change this? Are there any barriers? Focus on outcomes and improvements. Plan and create actions that will mitigate against any identified inequalities.

If the document upon assessment is identified as having a positive impact, how can this be shared to maximise the benefits universally?

Trust Equality and Diversity Objectives			
Better health outcomes for all	Improved patient access & experience	Empowered engaged & included staff	Inclusive leadership at all levels

Our Vision

Working together with our partners in health and social care, we will deliver accessible, personalised and integrated services for local people whether at home, in the community or in hospital empowering people to lead independent and healthier lives.



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Version 3.0		Page 13 of 13
Printed on 13/11/2020 at 8:42 AM		