

Management of Performance at Work Policy

HWHR12

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1. Introduction

- 1.1.** The Herefordshire and Worcestershire CCG recognise that standards of performance are necessary for the provision of quality services. The contribution and performance of each individual is crucial to achieving this aim.
- 1.2.** This policy and procedure have been developed to ensure concerns over performance are dealt with fairly and that steps are taken to establish the facts and contains the procedural steps for managing performance at work.
- 1.3.** This policy and procedure will encourage and ensure the attainment of the highest possible standards of performance by all employees and value their efforts by providing a fair, clear, and consistent method of handling all capability issues. The procedure is set against the legal framework of the Employment Rights Act 1996 and the ACAS Code of Practice.
- 1.4.** The CCG recognise their legal duty under the Equality Act 2010 to make reasonable adjustments to working arrangements as appropriate in relation to the operation of this policy and procedure.

2. Equality Statement

- 2.1.** Herefordshire and Worcestershire CCG aim to design and implement policy documents that meet the diverse needs of our services, population, and workforce, ensuring that none are placed at a disadvantage over others. It takes into account current UK legislative requirements, including the Equality Act 2010 and the Human Rights Act 1998, and promotes equal opportunities for all. This document has been designed to ensure that no-one receives less favourable treatment due to their personal circumstances, i.e. the protected characteristics of their age, disability, sex, gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy, and maternity. Appropriate consideration has also been given to gender identity, socio-economic status, immigration status and the principles of the Human Rights Act.
- 2.2.** In carrying out its functions, Herefordshire and Worcestershire CCG must have due regard to the Public Sector Equality Duty (PSED). This applies to all the activities for which Herefordshire and Worcestershire CCG is responsible, including policy development, review, and implementation.

3. Scope

- 3.1.** This policy applies to all staff employed by the Herefordshire and Worcestershire CCG.

4. Purpose

- 4.1.** This policy applies to employees employed by the CCG, except Medical and Dental staff where specific arrangements apply in cases of professional conduct or competence. The policy does not apply to agency staff, bank staff or self-employed contractors.
- 4.2.** This policy outlines the procedure for managers to follow when dealing with poor performance. The overall aim of this policy is to bring about an improvement in performance through supportive and constructive mechanisms. However, if there is no improvement in a staff member's performance after a period of support and/or training, then this may result in the termination of the employee's contract of employment.
- 4.3.** There may be situations where a staff member is under performing due to a specific problem and therefore it may be more appropriate for action to be taken under another CCG policy as follows:
- Where there is an issue of misconduct, it may be more appropriate to use the Disciplinary Policy.
 - Where the poor performance is as a result of absenteeism or ill health, it may be more appropriate to use the Management of Sickness Absence policy.
 - Where the poor performance is due to alcohol or drug dependency it may be more appropriate to use the Substance Misuse Policy.
 - Where the poor performance is due to issues around harassment and bullying it may be more appropriate to use the Dignity at Work policy.
- 4.4.** The aim of this policy and procedure is to ensure that all reasonable steps are taken to resolve concerns regarding poor performance at the informal stage wherever possible, before invoking the formal Performance Management procedure.
- 4.5.** The procedure provides a fair, consistent, and transparent method of dealing with concerns regarding the required standards of performance for the role.
- 4.6.** It ensures that concerns over performance are dealt with sensitively and that steps are taken to establish the facts and to give employees the opportunity to improve before any formal action is taken.
- 4.7.** Annual appraisals are not the appropriate forum to highlight and discuss capability concerns. Line Managers who have concerns over an employee's capability should address these concerns as and when they arise. However, it may be appropriate to refer to any ongoing and previously discussed capability concerns during the appraisal process.

- 4.8.** The procedure may be initiated at any stage within the policy if the employee's performance warrants such action or becomes of a serious nature and the employee will not be able to meet the required standards of performance, following an appropriate assessment. In cases where the procedure is entered at Stage 2 or Stage 3 (advice must have been sought from the Human Resources team); it must be demonstrated that there have been on-going meetings concerning performance.
- 4.9.** Employees will not normally be dismissed for poor performance without previous warnings. However, in serious cases of gross negligence, dismissal without previous warnings may be appropriate and would be dealt with under the CCG's Disciplinary Policy.
- 4.10.** The employee will have the right to be accompanied by a Trade Union Representative or work colleague at all formal meetings.
- 4.11.** All parties involved must treat any capability matter with absolute confidentiality.
- 4.12.** Advice from the Human Resources team will be available to all parties to ensure a fair and consistent application of this procedure. In dealing with capability issues which may lead to action under this policy, managers must seek advice at the earliest opportunity and will be present at all the formal stages.
- 4.13.** If the employee or their Trade Union Representative is unable to attend a hearing that has been organised, they should notify their manager immediately and an alternative date may be arranged. The employee must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct. If the employee fails to attend without good reason, or is persistently unable to attend, the hearing may proceed in their absence and a decision will be made based on the evidence available.

5. Definition

- 5.1.** Capability – is defined in the Employment Rights Act 1996 as 'capability assessed by reference to skill, aptitude, or any other physical or mental quality'. Work performance capability issues refer to an employee's skills, aptitude, ability, and knowledge in relation to the job that they are employed to do. Lack of capability will normally lead to unsatisfactory performance and it is therefore important to ensure that any capability issue is identified and rectified quickly.

6. Principles

6.1. The aim of each stage of the procedure is to:

- Ensure confidentiality is maintained at all times, by all parties.
- Review the employee's performance against agreed standards.
- Review barriers to achieving those standards due to capability.
- Investigate any problems the employee is having which may impact on work. These problems may not necessarily be caused by/related to work.
- Ensure records are kept at all stages and are shared with the employee to maintain a high level of openness and transparency.
- Give explicit examples when giving feedback.
- Discuss and explain the standards required.
- Explore options for overcoming any barriers to performance.
- Offer reasonable training, support and guidance.
- Agree reasonable time limits for the employee to achieve and maintain the standard of work.
- Explain to the employee what actions may need to be taken if s/he does not meet and maintain standards.
- All employees have the right to be accompanied by a Trade Union representative or a workplace colleague, at all formal stages of the procedure.

7. Responsibilities and Duties

7.1. Line Manager Responsibilities

Line managers carry responsibility for effectively and fairly implementing and operating this policy and procedure within their department. In addition, all managers will be responsible for ensuring that:

- Employees are informed of this procedure and its operation.
- Manage and maintain performance of team members and report early on any areas of concern.
- Employees are informed of the required standards of work performance.
- Employees are kept informed of their progress in meeting the required standards.
- Employees are given adequate training to equip them to carry out their duties through the use of the appraisal scheme and personal development plans.
- Employees are provided with adequate help and support where necessary.
- All staff are aware of their responsibilities in relation to the Performance Management procedure.

7.2. Employee Responsibilities

All employees are expected to meet the required CCG standards of performance. Employees who have difficulty, at any stage of the procedure, or in the general course of their duties, should discuss this with their manager.

7.3. Human Resources

The Human Resources Department is a source of advice and guidance on the interpretation and application of this policy and procedure. Human Resources representatives are available to support managers with reports/investigations and capability hearings where necessary.

7.4. Trade Union Representatives

Trade Union representatives are a source of advice and support to managers and union members in the application of this policy and procedure.

8. Process for managing capability issues

8.1. This procedure should be followed where capability has been identified as the cause of the poor performance (as opposed to health or conduct):

- The purpose of this procedure is to support employees when their performance is below the required standard and the employee is lacking in some area of knowledge, skill, or ability.
- This policy aims to assist them in improving their performance to the required standard and to sustain these standards.
- It should be noted that the informal stage is usually the most effective part of the process, particularly for minor instances of poor performance.
- A relevant professional advisor may be consulted over standards of performance involving professional staff.
- A decision to invoke this procedure, even at the preliminary informal stage, should not be a surprise to the employee who should already be aware of issues of performance as this should have been brought to the attention of the employee on previous occasions.

9. Stages of the Procedure

9.1. Informal Stage (Stage 1) The informal stage involves a one-to-one meeting between the manager and employee where concerns about the employee's performance are discussed and where the reason is identified as being due to capability. The aim of this meeting is to clarify the standards of performance required and to encourage the employee's improvement. The checklist found in Appendix 2 of this document should be used at this meeting.

9.2. Although the meeting is informal, the manager must put in writing the agreed outcome and appropriate action plan – see Appendix 1. At this meeting, the consequences of failure to achieve the plan must be made clear to the employee. The manager must issue the employee with a copy of the Management of Performance at work Policy and Procedure. The individual improvement action plan will:

- Ensure the staff member is aware of the expected standards to be achieved.
- Agree an action plan for improved performance.
- Detail any support that will be given to assist in the achievement of improvement.
- Detail any agreed adjustments to working conditions or the role which have been identified.
- Detail any training needs that have been identified as a result of the meeting and detail how these needs will be met.
- Set a timescale for review (this will be dependent upon the content of the action plan but should be within a maximum of 3 months). Consideration should also be given at this point to the impact of any planned annual leave, study leave and bank holidays to ensure there is sufficient time for the employee to improve their performance.
- Detail how the action plan will be monitored. A clear explanation must be given that if there is a failure to achieve any of the objectives that result in a serious problem with the operation of the service, the date for the formal meeting may be brought forward.
- Look at other mechanisms for support or adjustments to be made to the job to assist in alleviating the performance concern. Managers may consider in-house training, external training, shadowing, coaching, assigning a mentor, secondment/moving to an alternative role to assist the employee's development or any other suitable type of training/development support. This may require the individual to change sites or working pattern to support the programme, subject to discussion with the individual.
- The manager confirms with the employee they are at the informal stage of the performance management procedure.

9.3. Progress Monitoring Meetings These meetings are held informally, normally with the employee's line manager, on a one-to-one basis during Stage 1.

9.4. These meetings should occur on a regular basis (e.g. weekly, fortnightly, or as agreed) and be arranged within their working hours. Where the action plan is being monitored by another person then the manager must ensure that they receive regular feedback regarding progress. These meetings occur between each of the stages of the procedure. The checklist in Appendix 3 of this document should be used at these meetings.

- 9.5.** At the end of the review period the line manager will make an assessment as to whether the employee has achieved the action plan. They will review the measures undertaken to support the employee and ensure that sufficient support, training etc. has been provided to the employee as agreed.
- 9.6.** If the action plan has been achieved at this stage then the employee should be informed that there will be no further reviews provided their performance is sustained and is consistent. If, however the performance becomes a concern, within a reasonable timescale and is below the required standard this may be progressed to the formal stages of the procedure. Advice from Human Resources should be sought prior to progressing to the formal stage.
- 9.7.** If the action plan has not been met then this should be progressed to the formal stage of the procedure. Before moving to the formal stage, managers must be satisfied that all the agreed actions as part of the action plan have been implemented by the manager e.g. that agreed training has been provided to increase skills and ability. If this is not the case, then it may be necessary to extend the review period under the informal stage before moving into the formal procedure.
- 9.8. Formal Stage (Stage 2)**
- 9.9.** Where performance issues continue after the initial discussions in Stage 1, or the performance concern is serious enough it warrants moving straight to Stage 2, the manager will undertake a review of all the evidence from any informal discussions, review meetings, the content of the action plan, any witness statements (if required) and all supporting documents.
- 9.10.** If there is evidence that the employee's performance has not improved within the timescale and the decision is made to move to a formal stage, the employee should be invited to a formal meeting and the written invitation should set out the concerns about their performance, the reasons for the concerns, and the likely outcome if the CCG decides that the performance is unsatisfactory.
- 9.11.** The first formal stage meeting will normally be chaired by the line manager with a HR representative.
- 9.12.** The manager should advise the staff member of their right to representation by a union representative or work colleague not acting in an official capacity and give at least 10 working days' notice of the meeting.
- 9.13.** The manager chairing the meeting must formally advise the staff member, in writing of the capability concerns and that they are required to attend a formal meeting. The checklist in Appendix 4 of this document should be used to structure the formal meeting.

9.14. The purpose of the meeting will be to:

- Highlight the issues concerning the employee's performance and make the employee aware of the shortfall(s) in performance.
- Where relevant, highlight the steps taken under the informal section of this procedure and the support given to the employee.
- Remind the employee of the standards which are required.
- To allow the employee and/or the employee's representative to have the opportunity to express their views and to identify possible reasons for the poor performance.

9.15. An action plan should be agreed with the employee that will outline the specific measurable objectives that is designed to improve the employee's capability and need to be achieved within a specific timeframe.

9.16. Review meetings should be arranged throughout the Stage 2 process to allow for review of any progress.

9.17. There should be a meeting scheduled in at the end of the review period to review any progress made. During this review meeting if it is found that there has been little or no improvement the formal stage (Stage 2) should continue to the final stage (Stage 3).

9.18. Details of any meeting should be provided in writing to the employee including notification of the consequences if they fail to improve within the review period i.e. moving to the next stage of this policy.

9.19. If the employee's performance deteriorates at any stage within the formal procedure, it is acceptable for either party to bring forward the date of the next planned review meeting.

9.20. Before moving to the final stage, the line manager must be satisfied that all the agreed actions have been implemented and all measures to improve performance and capability have been explored. For example, that agreed training has been provided or adjustments made. If this is not the case, then the period may be extended under the current stage before progressing to the final stage.

9.21. Final Stage – Capability Hearing (Stage 3)

9.22. Where performance issues continue after the action taken at the formal stage, the manager will undertake a review of all the evidence from any informal discussions, review meetings, the content of the action plan, any witness statements (if required) and all supporting documents. If there is evidence that the employee's performance has not improved within the timescale following supportive action taken at Stage 1 and Stage 2, formal action under the procedure as set below will be initiated and a performance report will be completed by the manager.

- 9.23.** If a decision is made to move to the final stage, a Capability Hearing should be convened with a panel consisting of a Senior Manager, a HR representative (not previously involved) and, where necessary, a professional advisor.
- 9.24.** The invitation to the hearing should set out the concerns about their performance, the reasons for the concerns and the likely outcome if the CCG decides that the performance is unsatisfactory. The employee will receive the performance report and all relevant evidence/information and witness statements (if appropriate) prior to the hearing.
- 9.25.** The chair of the panel will write to the staff member advising of the date of the hearing. They must be advised of the right of representation and have copies of all documentation that will be presented at the hearing which will be included in the performance assessment report and the individual will have the right to respond to the report contents.
- 9.26.** The manager should provide the panel and the staff member with a performance report at least 10 working days prior to the meeting which outlines full details of the capability concerns, the action taken to date, the support given, reasonable adjustments made and the outcomes.
- 9.27.** At the hearing both the employee and the manager will have an opportunity to state their case, consider support provided, underlying causes and the action plan etc. The panel will thoroughly explore the problems in an open and constructive manner to ensure they understand the situation and that the facts are considered and, if deemed necessary, may call in other relevant people to give clarity and independent advice.
- 9.28.** The panel will then reach a decision on the most appropriate way forward. The options that can be considered at this stage are as follows:

(i) Further period of review

If the panel feel that the process to date has not been as robust as it should, they may recommend that the individual undergo a further supported period to allow them to demonstrate improvement. They may also recommend further support or actions. This may occur if there is a discrepancy in facts, where the staff member disagrees with the manager's position and this cannot be clarified, or where it is felt that if the staff member was given a further period of support, they would be able to meet the required standard. Normally, this extended period should be for no more than 3 months. At the end of the agreed extended period, the panel should reconvene. If at this time, improvement is still not evident, then the panel will have no alternative but to consider dismissal. This must be made clear to the employee when reconvening the hearing.

(ii) Termination of employment due to capability.

The panel can make the decision to terminate the employee's contract of employment if the employee has been offered reasonable adjustments if required, training and support and their performance has not improved to the required standards. The employee will be entitled to a period of contractual notice. However, it may be more appropriate to offer pay in lieu of notice. Where the decision is to dismiss this should be put in writing to the staff member including information on the right of appeal.

10. Appeals Procedure

10.1. The member of staff has the right of appeal following the formal stages of this policy and procedure. An employee who wishes to lodge an appeal should do so within 10 working days of receiving written notification of the action taken, stating the grounds for the appeal to the relevant senior manager.

10.2. An appeal will be heard in 5 weeks after it has been registered.

10.3. Appeals will normally be heard as follows: Appeal following the Stage 2 Formal Stage – with a panel consisting of a manager of the same grade/hierarchical standing as the line manager and an HR representative. The individual has the right of representation. Appeal following a Stage 3 Capability Hearing – with the panel consisting of an Executive Director and a HR representative. The individual has the right of representation.

10.4. The purpose of an appeal is to consider whether the action taken by the management was fair and reasonable at the time that the action was taken and whether the correct procedure was applied in deciding on the action. The appeal must take account of any evidence that has emerged since the initial meeting or Capability Hearing. The appeal is not a rehearing of the case considered at the original meeting or Capability Hearing but an assessment of the appropriateness of the decision.

10.5. The decision of the appeal panel at any stage is final.

11. Financial risk assessment

11.1. The financial risk assessment associated with the procedure is attached as Appendix 12.

12. Consultation

12.1. The policy has been subject to consultation with staff representatives via Staff Council.

13. Approval process

13.1. The policy has been approved by the Joint Commissioning Committee.

14. Due Regard

14.1. This policy has been reviewed in relation to having due regard to the Public Sector Equality Duty (PSED) of the Equality Act 2010 to eliminate discrimination, harassment, victimisation; to advance equality of opportunity; and foster good relations between the protected groups.

15. Implementation and Dissemination of the Document

15.1. This document has been fully ratified by the Joint Commissioning Committee and will be published and made available to all employees via the CCG intranet.

16. Monitoring and Review

16.1. The policy will be reviewed in line with the review date or before in the case of where there are legislative changes. Monitoring of the policy will be carried out by Corporate Governance.

APPENDIX 1

Performance Improvement Plan

Area that requires improvement	Example: Accurately complete all workrelated documentation and in a timely fashion
Expected standard/Level of Proficiency	Example: The post- holder is required to complete work – related documentation (reports, policies etc) without error and without complaints from others, in accordance with local policy
Gap between the expected level and current performance	Example: A review of – Name’s work - related documentation for period revealed 24 errors, including And 5 reports were completed X days outside of policy timescales.
Agreed actions to achieve the required standard of performance	Example: For NAME to ensure all work- related documentation is completed within specified timescale including blocking out time where necessary to complete. For NAME to ensure that he/she has all details and seeks advice where necessary.
Who will provide support	Example: Line Manager to provide a quiet location for workrelated documentation to be completed. Line Manager to provide weekly supervision where work-related documentation will be discussed.
Time Scale for Completion	Example: Immediately Weekly
Review Dates (what intervals)	Example: Informally review weekly. Formal review date to take place on (Specific Date) 3 months.
How will improvement be measured	Example: Review of accuracy and timeliness of documentation to be conducted – using notes from each weekly supervision meeting to assess progress.
Dates to Achieve Expected Standard/ Level of Proficiency	Example: (Specific Date) 3 Months

This performance improvement plan has been agreed by:

Name of Manager: _____

Signed: _____ Dated: _____

Name of Employee: _____

Signed: _____ Dated: _____

Definitions;

Area for improvement: This should define the area in which an improvement in performance is required.

Expected Standard/Level of proficiency: This should give detail of the standard of performance that is required. Where possible, this can make reference to the job description of the post. It is important to be specific about the standard or level of proficiency, so the post-holder is clear about the expectations

Gap: This should include clear and specific examples of where the required standard has not been met, as it is important for the post-holder to understand where their performance has fallen short.

Agreed Actions: This should detail any specific actions that will be undertaken in order to achieve the desired improvement in performance. This can include any formal or informal training that should be undertaken, any additional supervision or any specific activities the individual should undertake. In order to complete this section, the manager and employee should also discuss what potential barriers there are to an improvement in performance and detail what can be put in place to overcome these.

Who will provide support: In all cases the line manager or supervisor should provide support to the employee. This section should also detail who will support for each agreed action, where appropriate.

Timescale: This should detail a realistic timeframe in which each agreed action should take place. For example: a training course may be dependent on when this course is run; shadowing a colleague may depend on their availability etc. Urgent actions should be included first.

Review Date: A date should be set in which progress with the action plan can be assessed. The policy states that review meetings are held after up to a maximum of 3 months. However, it may be beneficial to both manager and staff member to meet more frequently during this time-period to review progress and then the manager can support achievement of each action during the 3-month period.

How will improvement be measured: A measurable way of assessing performance in the area for improvement should be agreed between manager and staff member. In this way the manager can determine whether satisfactory improvement has been made or not.

Date to Achieve Expected standard/ Level of Proficiency: This should give the date by which all actions in the improvement plan should have taken place and a reasonable time taken to allow the improvement in performance to be made and measured. This is normally 3 months, to coincide with the 'review date'.

APPENDIX 2

Checklist for Conducting Initial Informal Meeting

Date of meeting:

No.		Y/N
Prior to meeting with the member of staff		
1	Has the decline in capability noted been raised with the employee e.g. routine one-to one meetings held previously with the employee? (If not, this procedure should not be instigated at this time).	
2	Arrange the meeting to take place in a neutral environment to avoid the employee feeling threatened. A written invitation is not required at this stage.	
At the meeting		
3	Outline the reasons for the meeting, giving specific examples of where it has been noted that performance is not up to the required standard. Use the Job Description as a guide to do this and clarify the required standards.	
4	Sensitively check if the employee has any problems outside of work that may be impacting their capability (if so, look to find ways to support the employee for a short period of time e.g. a reduction in hours) and refer to HR for guidance	
5	Sensitively check if the employee has any health or other impairments which could impact on the noted poor performance	
If there are no social or health reasons identified for the poor performance		
6	Allow the employee the opportunity to respond to the concerns raised and explain their reasons for the decline in performance or inability to reach the expected level of competence.	
7	Discuss barriers to capability and agree measures to overcome these barriers.	
8	Agree SMART targets and objectives with the employee to address the performance issues, using the template action plan in Appendix 1.	
9	Agree a timeframe for the achievement of these targets and objectives (normally 6 weeks to 3 months).	
10	Agree and plan any support required by the employee to achieve the targets and objectives e.g. training, coaching etc.	
11	Agree how the progress against the action plan will be monitored, by whom and at what frequency.	
12	Ensure the employee is aware of the consequences of continued capability issues and non-achievement of the targets and objectives set in the action plan, including the possibility of the formal stage being brought forward if any failure to achieve urgent/important targets have the potential to cause a serious detriment to the service.	
13	Outline the discussion in writing and ensure the employee has a copy of this and the action plan.	
14	Confirm this constitutes the informal stage of the performance management procedure and the consequences of not improving performance.	

The completed checklist must be shared with the employee and kept on the employee's personal file for a period of six months following the conclusion of the procedure.

APPENDIX 3

Checklist for Conducting Informal Progress Monitoring Meetings

Date of meeting:

No.		Y/N
A new checklist to be used at each progress monitoring meeting		
1	Check the employee has a copy of the action plan to be discussed at the meeting.	
2	Has the employee actioned any/all urgent/important targets required by the date of the meeting? (N.B. If any targets that are not met have the potential to cause a serious detriment to the service it may be necessary to bring the date of the next stage forward ahead of the originally agreed timescales – HR advice should be sought in this circumstance prior to any confirmation of this with the employee).	
3	Has the employee actioned any/all sufficient targets/objectives at this stage to achieve the overall action plan in the timescales agreed?	
4	Has any agreed support identified been utilised e.g. training, shadowing etc? (if not consider whether the timescales for achievement of the action plan need to be extended).	
5	Have the measures implemented to overcome any barriers been reviewed? Are there any barriers remaining?	
6	Make written notes of the discussion and ensure the employee has a copy of these with the action plan.	
7	Agree the date and time of the next progress monitoring meeting. Or if this is the final progress monitoring meeting and insufficient progress has been noted, advise the employee that a formal meeting will be convened. If sufficient progress has been made the procedure is stopped here.	

The completed checklist must be shared with the employee and kept on the employee's personal file for a period of six months following the conclusion of the process.

APPENDIX 4

Checklist for Conducting Formal Meeting (Stage 2 & Stage 3)

Date of meeting:

No.		Y/N
1	Was the employee given 10 working days' notice in writing to attend the formal meeting?	
2	Was the employee notified of their right to representation at the formal meeting? Have they received all relevant paperwork?	
3	Was the employee issued with a copy of the Management of Performance at work policy & procedure prior to the meeting?	
4	Did the informal stage follow the correct process? (If not, this stage should be extended/repeated)	
a	Has the manager had previous conversations with the employee about capability concerns noted by the manager?	
b	Has the manager had an informal meeting to identify any issues or barriers causing the poor performance; taking appropriate action if there were?	
c	Have measures been put in place to overcome those issues or barriers?	
d	Has the manager agreed SMART objectives and targets with the employees and set these out clearly in the action plan template provided?	
e	Have timescales for achievement of each target been clearly defined and agreed?	
f	Have the discussions been outlined in writing with a copy given to the employee?	
g	Has the employee been informed they were under the informal stage of the Performance Management Procedure?	
h	Have the consequences of continued capability issues been communicated to the employee?	
i	Was the employee offered support with additional training, shadowing etc identified as required to meet the objectives set out in the action plan?	
j	Did the manager conduct regular one-to-ones with the employee to monitor progress against the action plan and was this recorded in writing?	
5	Has the employee been given sufficient time to achieve the targets and objectives set? (If not, the informal stage should be extended).	
6	Has the employee received the agreed support outlined in the action plan? (If not, the informal stage should be extended).	
7	Have the measures put in place demonstrated improvements against performance?	
8	Has insufficient improvement been made against the targets and objectives set out in the action plan?	
9	Check with the employee if a new reason has arisen which may be impacting on their ability to perform to the required standard. Take appropriate action if so.	
10	Review the action plan from the informal stage/previous formal stage and agree SMART targets and objectives (These should not be dissimilar to those already set at the informal stage).	

11	Agree clear timescales for achievement of the objectives (normally 6 weeks to 3 months).	
12	Inform the employee of the consequence of no improvement, including the possibility of the next formal stage being brought forward if any failure to achieve targets have the potential to cause a serious detriment to the service.	
13	Outline the discussions in writing and ensure the employee has a copy of this and the action plan.	
14	Inform the employee of the right to appeal.	

The completed checklist must be shared with the employee and kept on the employee's personal file for a period of six months following the conclusion of the procedure.

APPENDIX 5

Procedure at Final Stage – Capability Hearing

At the capability hearing, it is suggested that the following procedure be observed:

- The Chairperson of the panel carries out introductions, identifying the role of each person, and explains the format of the hearing. They will also check everyone has received all relevant papers.
- The Chairperson will also check to see if representation is required or has been accessed.
- The manager shall state the management case and call any witnesses (if appropriate).
- The employee or his/her Trade Union representative and members of the panel shall be entitled to question any witnesses called.
- The manager may re-examine the witnesses on any matters referred to in their examination by members of the panel or by the employee or his/her representative.
- The employee or his/her representative and members of the panel shall be entitled to question the manager or his/her representative.
- The employee or his/her representative shall state his/her case and call any witnesses (if appropriate).
- The manager and members of the panel shall be entitled to question any witnesses called.
- The employee or his/her representative may re-examine the witnesses on any matters referred to in their examination by members of the panel or by the manager or his/her representative.
- The manager and members of the panel shall be entitled to question the employee or his/her representative.
- The manager shall sum up.
- The employee or his/her representative shall sum up last.
- The panel may at their discretion adjourn the hearing at any stage for any reason.
- The manager/employee and their representative shall withdraw.
- The panel will re-call the manager/employee and their representative to give the outcome of the hearing.
- The Chairperson will also confirm the outcome of the hearing in writing.

APPENDIX 6

Procedure for Appeals Hearing

At the Appeals Hearing, it is suggested that the following procedure be observed:

- The Chairperson of the panel carries out introductions, identifying the role of each person, and explains the format of the hearing
- The employee or his/her representative shall state their case and call any witnesses (if appropriate)
- The manager or his/her representative may question the employee's witnesses, as may the panel Hearing the Appeal
- The employee or his/her representative shall have the opportunity to re-examine the witnesses if necessary, on any matters referred to in their examination by the panel/manager
- The manager or his/her representative and members of the panel shall be entitled to question the employee or his/her representative.
- The manager shall present his/her case and call witnesses (if appropriate)
- The employee or his/her representative may question the management's witnesses, as may the panel hearing the Appeal
- The manager shall have the opportunity to re-examine the witnesses, if necessary, on any matters referred to in their examination by the panel/employee
- The employee or his/her representative and members of the panel shall be entitled to question the manager or his/her representative.
- The employee or his/her representative should sum up his/her case and the manager should sum up his/her case and this may include a reply to the employee's side • The panel may question any party to clarify matters which are unclear
- All parties other than the panel should then withdraw and await the outcome of the Appeal
- The manager chairing the Appeal panel will need to conclude whether to uphold, withdraw or amend the original decision
- The Hearing will resume to advise parties of the panel's decision.
- The Chairperson will also confirm the outcome of the hearing in writing.