

MANAGING WORK PERFORMANCE POLICY

April 2015

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POLICY AMENDMENTS

Amendments to the Policy will be issued from time to time. A new amendment history will be issued with each change.

New Version Number	Issued by	Nature of Amendment	Approved By and Date	Date on Intranet
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1 INTRODUCTION

The Harrogate and Rural District Clinical Commissioning Group (hereafter referred to as 'The CCG') has the right and responsibility to establish its requirements in standards of work to be achieved by its employees, so long as these are realistic and clearly defined. In order to fulfil this responsibility the CCG will ensure that individual employees' work is monitored fairly.

The CCG is committed to valuing all of its employees and will encourage them, through guidance, training and development, to perform in their role on a consistent basis. Where there is an identified failure in performance, the CCG will, as part of the process of encouragement and support, discuss with the employee the reasons giving rise to that situation. Formal action in line with the principles and procedure outlined below may follow if the employee fails to meet the agreed performance levels.

2 ENGAGEMENT

The policy has been developed by Yorkshire and Humber Commissioning Support (Y&HCS) Workforce team in consultation with the CCG's senior management team, CCG employees' and the Joint Trades Union Partnership Forum.

3 IMPACT ANALYSES

3.1 Equality

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

An Equality Impact Assessment for this policy can be found at Appendix 21

3.2 Sustainability

A Sustainability Impact Assessment has been completed for this policy and is attached at Appendix 3. At this stage, no impact has been identified on the policy or procedure

3.3 Bribery Act 2010

The CCG follows good NHS business practice as outlined in the Business Conduct Policy and has robust controls in place to prevent bribery. Due consideration has been given to the Bribery Act 2010 in the development (or review, as appropriate) of this policy document and no specific risks were identified.

4 SCOPE

This policy applies to all individuals within the CCG who are directly employed by the CCG.

5 POLICY PURPOSE AND AIMS

- 5.1 During employment, adequate training, support and encouragement are essential to help achieve satisfactory performance. This will mean that regular discussions about performance will take place between employees and their managers. During these discussions managers will ensure that employees are clear on the performance expected of them and will coach and develop employees to achieve their agreed objectives. This could involve setting performance or behavioural targets for employees in an attempt to encourage improvements, without the recourse to formal procedures.

Equally, employees themselves have a responsibility for their individual performance and to recognising their role in the overall performance of their team and the wider organisation. Employees must demonstrate that they are committed to achieving and maintaining the performance standards defined for them.

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. Advice should be sought from occupational health and a workforce representative in relation to reasonable adjustments that may be required. Where appropriate, reference should also be made to the Absence Management policy.

Managers with responsibilities for performance management will receive the appropriate training to help them understand their role and manage performance effectively. This will include information on the objectives of performance management and how this process will operate, as part of the CCG appraisal process.

If an employee's performance causes concern this should be discussed with the employee at the earliest opportunity to identify possible causes for the underperformance, see Appendix 12 for guidance. If these issues are persistent, line managers should refer to the informal stage of this procedure.

This procedure will be implemented where the manager considers that an employee is failing to achieve and maintain defined standards of work. Concerns should be dealt with at the lowest possible level and wherever possible using the informal stages of the procedure. When informal action has been exhausted or is not considered sufficient then the formal stages of the procedure may be used. Issues regarding misconduct and ill-health will be addressed under the appropriate policies.

- 5.2 Every attempt will be made to ensure that any employee targets and timescales set are a reasonable expectation and are agreed between line manager and employee. Where this agreement cannot be reached, it may be necessary for management to set the target that the employee is reasonably required to achieve within the timescale.
- 5.3 In exceptional circumstances, where there are concerns that an employee's performance represents a significant danger to themselves, colleagues, service users or the financial/physical resources of the CCG, temporary redeployment (where available) or suspension on full pay may be considered, pending a referral to occupational health and / or a managing work performance meeting.

Advice must be sought from a workforce representative where temporary redeployment or suspension is a possibility. The reason for temporary redeployment or suspension will be confirmed in writing to the employee. Such a transfer / suspension is precautionary, does not constitute a sanction and will not prejudice the outcome of any potential meeting or hearing held in line with this policy.

- 5.4 If the employee is a trade union representative, notification should be made to a senior trade union representative or full time official as early as possible once it is acknowledged that the formal stages of the procedure are to be implemented. This notification should only occur however with the agreement of the trade union representative whose performance is in question.
- 5.5 Employees are entitled to be accompanied at all formal meetings by an accredited representative of a recognised trade union or Harrogate and Rural District CCG work colleague not acting in a legal capacity. Hereafter this person will be referred to as their 'companion'.

If a formal hearing is to take place the employee must inform the chair of the panel of their chosen companion, at least two working days in advance of the hearing.

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

During the informal stage of the Managing Work Performance policy employees do not have the statutory right to be accompanied by a Trade Union representative or Harrogate and Rural District CCG work colleague. The employee may, however, wish to contact a work colleague or trade union representative for advice and support.

If the employee, or their chosen companion is not available to attend on the date proposed for a meeting, the CCG will endeavour to offer an alternative reasonable date within 10 working days of the original date wherever possible.

Employees are required to attend all meetings relating to this process. If they, or their companion, are unable to attend the arranged meeting, they must give notice and reasons why they are unable to attend. The meeting will then be rescheduled to a mutually convenient time, within 10 working days of the original date wherever possible. Where an employee fails to attend such meetings without reasonable grounds, then the meeting may be held in their absence. The employee will be informed of this in writing.

If at any stage in the procedure after a performance review meeting an employee fails to maintain the required standard of work performance within 12 months of that meeting the manager withholds the right to return to the relevant stage of the procedure.

The employee will have the right of appeal against any warning or sanction issued in the formal stages of the procedure. Part 2 – Procedures refers.

At all stages of the procedure employees should be reminded of the availability of counselling support.

Managers are responsible for adhering to this policy and applying it in a fair and consistent approach. Managers must seek workforce advice during the formal stages and are encouraged to discuss the application of the informal stages with workforce too.

Employees are responsible for ensuring they are familiar with this policy and co-operating with its application.

The Y&HCS workforce team are responsible for providing advice in relation to this policy and encouraging fair and consistent application of it.

Any complaints arising from the application of this procedure should be addressed in line with the CCG's Grievance procedure.

Any conflicts of interest, declared or not declared, which are perceived to be impacting on an employee's performance will be dealt with under the Disciplinary Policy.

6 ROLES / RESPONSIBILITIES / DUTIES

Manager responsibilities

6.1 Line managers have an important role to play in the management of performance. The key responsibilities for managers include :

- To ensure that they are familiar with the Managing Work Performance Policy and their obligations in relation to the policy
- To communicate appropriately with staff when managing work performance issues
- To ensure that all discussions during this process are fair, appropriate and above reproach
- Dealing with any actions in a timely manner when dealing with work performance issues
- Maintain accurate records of all meetings when dealing with work performance issues
- Maintain confidentiality at all times
- Attend any CCG training provided on policy updates
- Identify a 'nominated deputy' for staff to during periods of annual leave / out of the office / non-working time and communicate this to staff.

6.2 Employee Responsibilities

Employees are expected to :

- Have a responsibility for their individual performance
- Recognising their role in the overall performance of their team and the wider organisation
- Effectively participate in the Performance Appraisal Process
- Demonstrate that they are committed to achieving and maintaining the performance standards defined for them.

6.3 Y&HCS Workforce Team Responsibilities

Y&HCS Workforce Team will :

- Provide support and guidance (See Appendix 12 for further guidance)
- Ensure that all legislative requirements are adhered to, including compliance with all aspects of the Managing Work Performance Policy and Procedure
- Ensure that cases are dealt with in a fair and consistent manner.

7 IMPLEMENTATION

All employees will receive notification that the policy has been approved and will receive confirmation of where the policy is located.

This policy should be incorporated as part of the employee induction process for all new employees joining the CCG.

8 TRAINING AND AWARENESS

Training and support will be available to all line managers in the implementation and application of this policy.

9 MONITORING AND AUDIT

The implementation of this policy will be audited on an annual basis by the CCG and reported to CCG Governing Body.

10 POLICY REVIEW

The policy and procedure will be reviewed after three years for the CCG Governing Body in conjunction with Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

11 REFERENCES

This policy should be read in conjunction with other relevant CCG policies, which are available on the Intranet.

- Equality Act 2010

12 SCHEME OF DELEGATION

Informal procedure	Line Manager or equivalent level manager from elsewhere within the organisation.
Formal procedure	Line manager or equivalent level manager from elsewhere within the organisation or the line manager's direct manager if the line manager has been previously implicated. A Workforce Representative will attend formal meetings.
Appeal following formal procedure	Line Manager's manager or equivalent who has not previously been involved or implicated. . A Workforce Representative will attend formal meetings.
Dismissal Hearings	Chaired by a Director, or manager with delegated authority, or equivalent plus one other manager who has not previously been involved or implicated and a Workforce representative. If the respondent is a Director, a separate Director will chair the Panel with another Director, Lay Member or GP and a Workforce Representative.

Appeal against dismissal	Chaired by a Director whom has not already been involved or implicated plus one other Director or Governing Body member and Workforce Representative.
Appeal against dismissal for a Director	Clinical Chair plus one other Governing Body member whom has not already been involved or implicated and a Workforce Representative.

PART 2

PROCEDURE

1 INFORMAL PROCEDURE (Stage 1)

- 1.1 In cases where there is an identified concern surrounding performance an individual's line manager should invite the employee to an informal meeting. The arrangements for the meeting should be confirmed in writing at least three working days prior to the meeting (see Appendix 1). During the meeting the following should be discussed :
- The individual should be made aware of the concerns and should be provided with specific details.
 - The required standard of work should be clearly identified.
 - The individual must be given an opportunity to respond to the manager's concerns.
 - The individual should have an opportunity to discuss any factors, which may be impacting at work. Such factors may include but are not limited to, health concerns, relationships with colleagues or difficulties at home
 - The individual should be given an opportunity to discuss any training or support that is required to improve performance to reach the required standards. Such support mechanisms could include, but is not limited to, training, coaching/ mentoring, work observations, work shadowing, internal visits,
 - A timescale for demonstrating an improvement should be discussed, hereafter known as an 'Improvement Period', this must be reasonable in relation to the nature of the post and the level of improvement required. Usually this should be between two weeks and three months.
- 1.2 The outcome of any informal discussions should be confirmed in writing (see Appendix 2) to the employee together with a record of any action and/or agreed training requirements including timescales for the expected improvement to be achieved. The template Performance Improvement Action Plan (Appendix 3) may be used for this purpose.
- 1.3 During the Improvement Period, regular meetings should be held between the individual and the line manager to review the performance of the individual and the support / training being provided. Feedback should be provided to the individual and these meetings should be documented. Appendix 4 may be used for this purpose.
- 1.4 At the end of the Improvement Period a review meeting should be held between the individual and the line manager. A written invite should be sent to the individual at least three working days prior to the meeting to confirm the details (Appendix 5). The purpose of the review meeting is to review the individual's progress and determine what further action is required. The possible options are :
- I. If the individual's work performance has improved to a standard that is satisfactory then they will be advised of this and the manager and individual should discuss what training / support is required to ensure the standard of performance is sustained. It should be noted though that if, within 12 months of the review meeting' the required level of performance is not sustained then the procedure may be entered directly at the formal stage. It will not be automatic that the formal stage will be used if standards are not maintained; consideration should be given to whether informal or formal action is an appropriate mechanism for dealing with further concerns.

- II. If the individual's work performance has improved but is not yet at a satisfactory standard but it is reasonable to expect that they will quickly reach the required level of performance then a further informal Improvement Period may be arranged. If this is the outcome then the Performance Improvement Action Plan should be updated to reflect any revised plans.
- III. If the individual's work performance has not improved at all or has not improved enough for it to be reasonably expected that they will reach the required level of performance quickly, the concerns can be escalated to the formal stages of the policy. Should this be the outcome of the meeting then there should be further discussion to agree the format of the first Stage 2 meeting and agree appropriate parties to be involved at Stage 2 (see 2.1.1).

1.5 The outcome of the review meeting should be confirmed in writing, see Appendix 6.

2 FORMAL PROCEDURE

2.1 Stage 2

2.1.1 A formal Stage 2 meeting should be held to consider the individual's performance and the process followed so far. The individual has the right to be accompanied by a companion at this meeting. It is usually expected that the manager who led the Stage 1 review will chair the meeting supported by a Workforce Representative, however at the request of the employee or the manager the meeting may take the format of a formal hearing. If the meeting is held as a formal hearing an additional manager who has not previously been involved will chair the meeting and they will be supported by an additional Workforce Representative. This should normally have been agreed at the Stage 1 review meeting. (If a hearing is held the general principles in Appendix 16 should be adhered to). The arrangements for the meeting should be confirmed in writing at least 5 working days prior to the meeting (see Appendix 7). During the meeting the following should be discussed :

- The individual should be made aware of the continued concerns and should be provided with specific details.
- The required standard of work should be clearly identified.
- The individual must be given an opportunity to respond to the manager's concerns.
- The individual should have an opportunity to discuss any factors, which may be impacting at work. Such factors may include but are not limited to, health concerns, relationships with colleagues or difficulties at home.
- Any training and support identified at the first informal meeting should be reviewed.
- After these initial discussions the chair of the meeting must determine the outcome of the meeting; The following options are available :
 - i. Should new information have become available that makes it evident there are no outstanding concerns about the employees performance, or the previous concerns are no longer present the chair should decide that no further formal action is required. There may be further discussion to determine what informal mechanisms should be in place to ensure the required standard of performance is sustained.
 - ii. Should it be determined that there are still outstanding concerns but that these would be best managed informally then the process will revert to Stage 1 and a further informal Improvement Period should be held (as in 1.4 ii).

- iii. Should it be determined that the concerns remain serious, the concerns are having significant implications, or that insufficient progress towards satisfactory performance is being made then the chair should issue a First Written Warning to the Individual to state that an improvement in their performance is required. The warning will remain live on their file for 12 months from the date and time of issue. After that period it will cease to be live but it will remain on the individual's record.
 - Where a First Written Warning has been issued the individual must be advised of their right to appeal against the warning as per section 3 of this procedure.
 - The individual should be given an opportunity to discuss any further training or support that is required to improve performance to reach the required standards. Such support mechanisms could include, but is not limited to, training, coaching/mentoring, work observations, work shadowing, internal visits.
 - A timescale for a further Improvement Period must be determined.
- 2.1.2 The outcome of the formal Stage 2 meeting should be confirmed in writing (see Appendix 8) to the employee together with a record of any action and / or agreed training requirements including timescales for the expected improvement to be achieved. The Performance Improvement Action Plan may be updated to reflect the discussions during the meeting. Where a formal warning has been issued the letter must detail the individual's right of appeal and the mechanism for placing an appeal.
- 2.1.3 During the Improvement Period, regular meetings should be held between the individual and the line manager to review the performance of the individual and the support/ training being provided. These meetings will be regarded as informal. Feedback should be provided to the individual and these meetings should be documented. Appendix 4 may be used for this purpose.
- 2.1.4 At the end of the Improvement Period a Stage 2 review meeting should be held between the individual and the manager. A written invite should be sent to the individual at least 3 working days prior to the meeting to confirm the details (Appendix 9). The purpose of the review meeting is to review the individual's progress and determine what further action is required. The possible options are :
- I. If the individual's work performance has improved to a standard that is satisfactory then they will be advised of this and the manager and individual should discuss what training/support is required to ensure the standard of performance is sustained. It should be noted though that if, during the period the First Written Warning is live, the required level of performance is not sustained then the procedure may be re-entered directly at Stage 3.
 - II. If the individual's work performance has improved but is not yet at a satisfactory standard but it is reasonable to expect that they will quickly reach the required level of performance then a further Stage 2 Improvement Period may be arranged. If this is the outcome then the Performance Improvement Action Plan should be updated to reflect any revised plans.
 - III. If the individual's work performance has not improved at all or has not improved enough for it to be reasonably expected that they will reach the required level of performance quickly, the concerns can be escalated to Stage 3 .Should this be the outcome of the meeting then there should be further discussion to agree the format of the first Stage 3 meeting and agree appropriate parties to be involved at Stage 3 (see 2.2.1).

2.1.5 The outcome of the Stage 2 review meeting should be confirmed in writing, see Appendix 10.

2.2 Stage 3

2.2.1 A formal Stage 3 meeting should be held to consider the individual's performance and the process followed so far. The individual has the right to be accompanied by a companion at this meeting. It is usually expected that the manager who led the Stage 2 review will chair the meeting supported by a Workforce Representative, however at the request of the employee or the manager the meeting may take the format of a formal hearing. If the meeting is held as a formal hearing an additional manager who has not previously been involved will chair the meeting and they will be supported by an additional Workforce Representative. This should normally have been agreed at the Stage 2 review meeting. (If a hearing is held please ensure the general principles in Appendix 16 are followed). The arrangements for the meeting should be confirmed in writing at least five working days prior to the meeting (see Appendix 11). During the meeting the following should be discussed :

- The individual should be made aware of the continued concerns and should be provided with specific details.
- The required standard of work should be clearly identified.
- The individual must be given an opportunity to respond to the manager's concerns.
- The individual should have an opportunity to discuss any factors, which may be impacting at work. Such factors may include but are not limited to, health concerns, relationships with colleagues or difficulties at home.
- Any training and support identified at the Stage 2 meeting should be reviewed.
- After these initial discussions the chair of the meeting must determine the outcome of the meeting; The following options are available :
 - i. Should new information have become available that makes it evident there are no outstanding concerns about the employees performance, or the previous concerns are no longer present the chair should decide that no further formal action is required. There may be further discussion to determine what informal mechanisms should be in place to ensure the required standard of performance is sustained.
 - ii. Should it be determined that there are still outstanding concerns but that these would be best managed at Stage 2 then the process will revert to Stage 2 and a further Stage 2 Improvement Period should be held (as in 2.1.4 ii).
 - iii. Should it be determined that the concerns remain serious, the concerns are having significant implications, or that insufficient progress towards satisfactory performance is being made then the chair should issue a Final Written Warning to the Individual to state that an improvement in their performance is required, otherwise they may be dismissed from their employment on the grounds of capability. The warning will remain live on their file for 18 months from the date and time of issue. After that period it will cease to be live but it will remain on the individual's record.
- Where a Final Written Warning has been issued the individual must be advised of their right to appeal against the warning, in line with section 3 of the procedure.
- The individual should be given an opportunity to discuss any further training or support that is required to improve performance to reach the required standards. Such support mechanisms could include, but is not limited to, training, coaching / mentoring, work observations, work shadowing, internal visits.

- A timescale for a further Improvement Period must be determined.

2.2.2 The outcome of the formal Stage 3 meeting should be confirmed in writing (see Appendix 12) to the employee together with a record of any action and/or agreed training requirements including timescales for the expected improvement to be achieved. The Performance Improvement Action Plan may be updated to reflect the discussions during the meeting. Where a formal warning has been issued the letter must detail the individual's right of appeal and the mechanism for placing an appeal.

2.2.3 During the Improvement Period, regular meetings should be held between the individual and the line manager to review the performance of the individual and the support/ training being provided. These meetings will be regarded as informal. Feedback should be provided to the individual and these meetings should be documented. Appendix 4 may be used for this purpose.

2.2.4 At the end of the Improvement Period a Stage 3 review meeting should be held between the individual and the manager. A written invite should be sent to the individual at least 3 working days prior to the meeting to confirm the details (Appendix 9). The purpose of the review meeting is to review the individual's progress and determine what further action is required. The possible options are:

- I. If the individual's work performance has improved to a standard that is satisfactory then they will be advised of this and the manager and individual should discuss what training / support is required to ensure the standard of performance is sustained. It should be noted though that if, during the period the Final Written Warning is live, the required level of performance is not sustained then the procedure may be re-entered directly at Stage 4.
- II. If the individual's work performance has improved but is not yet at a satisfactory standard but it is reasonable to expect that they will quickly reach the required level of performance then a further Stage 3 Improvement Period may be arranged. If this is the outcome then the Performance Improvement Action Plan should be updated to reflect any revised plans.
- III. If the individual's work performance has not improved at all or has not improved enough for it to be reasonably expected that they will reach the required level of performance quickly, the concerns can be escalated to Stage 4.

2.2.5 The outcome of the Stage 2 review meeting should be confirmed in writing, see Appendix 6.

2.3 Stage 4

2.3.1 If the previous stages of the procedures (Stages 1-3) have been exhausted and concerns remain and in situations when concerns regarding an individual's performance are exceptionally severe a formal hearing panel will be convened in accordance with the scheme of delegation set out in Part 1, section 4 of the policy. The panel chair will comprise of individuals who have not previously been involved in the case. The workforce representative's role will be to provide advice on workforce policies, employment legislation and consistent application of the Managing Work Performance policy.

2.3.2 The individual has the right to be accompanied by a companion at this hearing. The arrangements for the hearing should be confirmed in writing at least 10 working days prior to the meeting (see Appendix 13). During the meeting the following should be discussed;

- The continued concerns and should be provided with specific details.

- The required standard of work should be clearly identified.
- The individual's response to the concerns.
- The individual should have an opportunity to discuss any factors, which may be impacting at work. Such factors may include but are not limited to, health concerns, relationships with colleagues or difficulties at home.
- Any training and support identified should be reviewed.

2.3.3 After these initial discussions the chair of the meeting will call an adjournment to determine the outcome of the meeting; The following options are available :

- Should new information have become available that makes it evident there are no outstanding concerns about the employees performance, or the previous concerns are no longer present the chair should decide that no further formal action is required. There may be further discussion to determine what informal mechanisms should be in place to ensure the required standard of performance is sustained.
 - Should it be determined that there are still outstanding concerns but that it is foreseeable that they will be resolved in a reasonable timeframe then a further Stage 3 Improvement period may be held (as in 3.4 ii). It may be appropriate to reissue or extend the Final Written Warning. In addition to this it may be determined appropriate to delay an individual's incremental progression.
 - Should it be determined that the concerns remain serious, the concerns are having significant implications, or that insufficient progress towards satisfactory performance is being made then the chair may dismiss the individual from their employment with the CCG. It may be appropriate to consider demoting the individual to another post within the organisation as an alternative to dismissal where a suitable post is immediately available. Should the individual decline the offer of an alternative post the dismissal will stand.
- Where a Final Written Warning has been issued again or extended, or where an individual has been dismissed the individual must be advised of their right to appeal against the sanction.

2.3.4 The outcome of the formal Stage 4 hearing should be confirmed in writing (see Appendix 14) to the individual where a formal sanction has been issued the letter must detail the individual's right of appeal and the mechanism for placing an appeal.

The hearing panel procedure (Appendix 14) must be followed.

3 APPEALS

3.1 An employee who has been dismissed or who has received a warning at any stage of the procedure has the right of appeal. An employee may choose to appeal if :

- they think a finding or sanction is unfair;
- they think the Managing Work Performance procedure was not used correctly (including a dispute against the evidence relied upon in the hearing).

3.2 Appeals must be made in writing within 10 working days of the receipt of the written notice of warning/sanction or dismissal to The Chief Officer with a copy to Y&HCS workforce team. The letter must include details of their grounds for appeal.

- 3.3 Appeals will be heard as soon as possible upon receipt of the letter requesting the appeal.
- 3.4 The employee will be invited to an appeal hearing in writing (see Appendix 16) and must be given at least 10 working days' notice of the date of the appeal hearing.
- 3.5 The appeal hearing procedure (Appendix 17) must be followed.
- 3.6 The constitution of the appeal panel will be in line with the scheme of delegation in section 4 of the policy.
- 3.7 The employee will have the right to be accompanied at the appeal hearing by a companion.
- 3.8 Both parties must provide to the appeal hearing panel and the other party, a full written statement of case including the grounds upon which the appeal is presented / resisted, with copies of any documents the party concerned intends to use in evidence at least five working days prior to the appeal hearing.
- 3.9 The decision of the panel will be communicated to both parties verbally, following the adjournment wherever possible, and will be confirmed in writing, no later than five working days after the appeal hearing (see Appendix 18).
- 3.10 The decision of the appeal panel is final.

Ref: MWP1/IM

Date:

Dear

Managing work performance - invitation to informal (Stage 1) meeting

Further to our recent discussions, I write to invite you to an informal one to one meeting in line with the Managing Work Performance policy (copy enclosed).

The meeting will be held at (TIME) on (DATE) at (LOCATION).

The purpose of the meeting is to informally discuss your performance in the role of (JOB TITLE). I have enclosed a copy of your job description and recent one to one notes. This is an opportunity for us to discuss the performance issues and identify reasons for these, whilst also giving you an opportunity to express your opinion. It is a supportive measure to ensure that you have a secure understanding of the expectations of your role and how your role impacts on the performance of the team and the wider organisation.

An outcome of the meeting may be the formulation of a performance improvement action plan including specific timescales which will be agreed by both of us. This may include further training, mentoring and / or support.

If there are specific examples then it may be useful to provide brief detail of these so that the employee is prepared for the meeting.

In particular we will discuss :

- A
- B
- C

As this is a one to one meeting it is not usual to be accompanied, however in the meantime you may wish to seek advice and support from a trade union representative or Harrogate and Rural District CCG work Colleague in preparation for the meeting.

If you have any queries prior to the meeting or you are unable to attend, please do not hesitate to contact me on the above telephone number or email address.

Yours sincerely

*Line manager
Job title*

Ref: MWP2/IM

Date:

Dear

Managing work performance - outcome of informal (Stage 1) meeting

Thank you for attending an informal one to one meeting in line with the Managing Work Performance policy on (DATE). The purpose of the meeting was to informally discuss your performance as (JOB TITLE) and support you in performing in your role.

At the meeting we discussed that you were not meeting the required standard of performance in the following areas: (DETAIL HERE). I asked whether there was any underlying reason for the shortfall in performance and you explained that (DETAIL) / *that there was not*. *As a result we agreed to put the following measures in place to support you (Delete as appropriate)*.

I clearly restated the expectations for your post and clarified your objectives. After detailed discussion about these objectives we agreed an informal action plan to support you in delivering these objectives enclosed. *(If no action plan at this stage, name key objectives in this letter with agreed timescales)* I also clarified how your role fits into the wider objectives of the team and organisation as a whole.

I asked whether you felt any support, training or development would assist you in this post and you stated that (DETAIL). I *agreed / suggested* that it would be beneficial for you to (DETAIL ABOUT SUPPORT).

We agreed that we would review your progress against *(the action plan / your objectives)* in *(one/two/three months)*. In the meantime, we will hold *(weekly / fortnightly)* one to one supervision meetings to review your work and support you in achieving your objectives in line with the agreed timescales.

In the meantime, should you have any queries or concerns that you wish to raise please do not hesitate to contact me on (TELEPHONE NO).

Yours sincerely

Line manager
Job title

PERFORMANCE IMPROVEMENT ACTION PLAN

Name

Job Title

Line Manager

Date

Stage in procedure : Informal Formal

Area requiring improvement	Action required	Timescale	Progress

Detail here any additional training and support required with relevant timescales:

Review Date.....

Employee Signature.....

Print name

Line manager signature.....

Print name

Performance review meeting comments :

Date :

Outcome of procedure:

Performance achieved	<input type="checkbox"/>
Extension to monitoring period	<input type="checkbox"/>
Progress to formal procedure	<input type="checkbox"/>
Formal hearing to be arranged	<input type="checkbox"/>

Additional comments:

Final review date to ensure performance standard is maintained.....

Standard maintained: Yes No

Action required :

Additional comments:

Improvement Period Meeting / Discussion Record Sheet

Date of meeting / discussion	Names of those present	Summary of Discussions	Agreed actions

Ref MWP3/IPR

Dear

Managing work performance informal procedure - invitation to informal (Stage 1) review meeting.

Further to our meeting on (DATE) at which we discussed your performance in the role of *****, I write to invite you to a performance review under the informal procedure of the Managing Work Performance Policy.

The meeting will be held at (TIME) on (DATE) at (LOCATION).

The purpose of the meeting is to review your progress against the performance improvement action plan which was agreed following our meeting.

Please be aware that a decision will be made at the meeting regarding how to proceed. The possible outcomes are no further action, a further improvement period or escalation to the formal Stage 2 of the Managing Work Performance procedure.

I would like to remind you that as this is a one to one meeting it is not usual to be accompanied; however in the meantime you may wish to seek advice and support from a trade union representative or Harrogate and Rural District CCG work colleague ahead of the meeting.

If you have any queries prior to the meeting or you are unable to attend, please do not hesitate to contact me on the above telephone number or email address.

Yours sincerely

Line manager
Job title

Ref: MWP4/IPR

Date:

Dear

Managing work performance informal procedure - confirmation of performance review meeting

Thank you for attending an informal review meeting in line with the Managing Work Performance policy on (DATE). The purpose of the meeting was to review your performance against the (*informal action plan/ objectives*) set at our meeting on (DATE) and to consider appropriate next steps.

At the meeting we discussed (*list key points of the feedback; where any improvements are made these should also be included*)

- Overall, I am satisfied that you have fully met the objectives set out and that your work performance has improved to the required standard. As such no further action will be taken under the Managing Work Performance policy at this stage. You are, however, expected to maintain this standard of performance and I must advise you that if work performance issues are identified in the next 12 months, I may decide to escalate to the formal procedure under the Managing Work Performance policy.
- Overall, I identified some improvements against the objectives set out but recognise that there is still improvement to be made namely (DETAIL). As such we decided there should be a further improvement period of (*one / two / three*) weeks / months, by which time it is expected that you will have met the objectives set out in the (*reviewed*) action plan agreed on DATE. I must advise you that failure to meet the required performance standards by this review date may result in escalation to the formal procedure under the Managing Work Performance policy. An updated action plan is enclosed.
- Overall, I identified that you have not made sufficient improvement against the objectives set out and will now escalate this process to the Stage 2 of the Managing Work Performance policy. I will write to you again in due course to invite you to a formal meeting in line with the policy. Although it will be a formal meeting with a workforce representative present we agreed that a full hearing would not be required. OR We agreed that this meeting should take the format of a formal hearing. (delete as appropriate)

As we are now entering the formal procedure I would like to remind you of your right to be accompanied by a trade union representative or Harrogate and Rural District CCG work colleague at formal meetings held in line with this procedure. In the meantime you may wish to consult your union for support and advice.

I asked you again whether you felt any support, training or development would assist you in this post and you stated that (DETAIL). I *agreed / suggested* that it would be beneficial for you to (DETAIL ABOUT SUPPORT).

In the meantime, should you have any queries or concerns that you wish to raise please do not hesitate to contact me on (TELEPHONE NO).

Yours sincerely

Line manager
Job title

Ref: MWP5/FM

Date:

Dear

Managing work performance - invitation to formal (Stage 2) meeting

Further to our performance review meeting on hearing (DATE) and subsequent confirmation letter dated *****, I write to invite you to a formal meeting in line with the Managing Work Performance Policy (copy enclosed).

The meeting hearing will be held at (TIME) on (DATE) at (LOCATION). I will chair the meeting and ***** from the Workforce Team will also be in attendance (in an advisory capacity). If hearing use: (NAME) (JOB TITLE) will chair the hearing and will be supported by (NAME) Workforce representative will be present to explain the key facts and will be assisted by (NAME), workforce representative. You are entitled if you wish to be accompanied by a trade union representative or Harrogate and Rural District CCG work colleague. If you intend to be accompanied, please provide me with details of your trade union representative or Harrogate and Rural District CCG work colleague at least two days in advance of the meeting date.

The purpose of the meeting is to initiate the formal stages of the Managing Work Performance procedure due to your failure to improve/ maintain the performance standards agreed with you during the informal stage of the procedure. I have enclosed the most recent copy of the performance improvement action plan which we will review at our meeting. The meeting will focus on the issues surrounding your unsatisfactory work performance and there will be an opportunity for you to raise any further issues and make suggestions. At the meeting we confirm if further action is required and if necessary we will agree a formal performance improvement action plan which will include specific action points and a timescale for improvement. You should also be aware that an outcome of the meeting may include you receiving a first written warning.

If you or your representative are unable to attend you will need to provide reasonable notice and your reasons for being unable to attend and the hearing will be rescheduled within ten working days of the original date where possible. Failure to attend the hearing without a reasonable explanation may mean that it proceeds in your absence.

/Cont

I understand that this can be a difficult time and I would like to remind you that you can access the counselling service provided by our occupational health department by self-referral. I have enclosed a leaflet for your information which includes their contact details.

If you have any queries prior to the meeting or you are unable to attend, please do not hesitate to contact me on the above telephone number or email address.

Yours sincerely

Line manager
Job title

Ref: MWP6/FM

Date:

Dear

Managing work performance formal procedure - outcome of formal (Stage 2) meeting/hearing

Thank you for attending a formal meeting/hearing in line with the Managing Work Performance policy on (DATE), at which **** ***, your trade union representative or Harrogate and Rural District CCG work colleague and (NAME) workforce representative also present. In addition (NAME) attended to present key facts and was assisted by (NAME) workforce representative. (delete if not required) The purpose of the meeting was to discuss your performance following our informal performance review meeting on (DATE) during which I informed you that your performance had not improved sufficiently and I would be progressing the matter to the formal stage of the procedure.

At the meeting we discussed your recent performance against the previous performance improvement action plan which was agreed during the informal stage of the procedure OR we discussed the key areas where your performance was still not at the level required of the post and we discussed the reasons why your performance was still not at the required level. I reiterated the expectations for your post and clarified your objectives.

You were asked you if there was any underlying reason for the shortfall in performance and you explained that (DETAIL) / that there was not. As a result we agreed to put the following measures in place to support you (delete as appropriate).

After detailed discussion about these objectives we agreed a formal action plan OR we amended the previous performance improvement action plan to reflect our discussions in order to support you in delivering these objectives.

If applicable: You were issued with a First Written Warning at which will remain live on your file until (INSERT DATE & TIME OF EXPIRY). You have the right to appeal against this warning by writing to the Chief Officer, with a copy to the Y&HCS Workforce Team within 10 working days of receipt of this letter, your letter should detail the grounds of your appeal.

I asked whether you felt you needed any additional support, training or development to assist you in this post and you stated that (DETAIL). I agreed/ suggested that it would be beneficial for you to (DETAIL ABOUT SUPPORT).

Cont ...

We agreed that we would review your progress against (*the action plan / your objectives*) in (*one / two / three weeks / months*). In the meantime, we will hold (*weekly / fortnightly*) one to one supervision meetings to support you in achieving your objectives in line with the agreed timescales.

Should you have any queries or concerns that you wish to raise please do not hesitate to contact me on (TELEPHONE NO).

Yours sincerely

Line manager
Job title

Ref: MWP7/FPR

Date:

Dear

Managing work performance formal procedure - invitation to Stage 2 performance review

Further to our meeting on (DATE) at which we discussed your performance in the role of *****, I write to invite you to a performance review under the formal procedure of the Managing Work Performance policy.

The meeting will be held at (TIME) on (DATE) at (LOCATION).

The purpose of the meeting is to review your progress against the performance improvement action plan agreed at our last meeting. I have enclosed a copy for your information.

Please be aware that a decision will be made at the meeting regarding how to proceed. The possible outcomes are no further formal action, further improvement period escalation to a Stage 3 meeting or hearing under the Managing Work Performance Policy. Although the review meeting is regarded as informal and as such there is no right to be accompanied by a trade union representative or Harrogate and Rural District CCG work colleague, you may wish to seek advice ahead of the meeting.

If you have any queries prior to the meeting or you are unable to attend, please do not hesitate to contact me on the above telephone number or e-mail address.

Yours sincerely

Line manager
Job title

Ref: MWP8/FPR

Date:

Dear

Managing work performance formal procedure – Outcome of Stage 2 review meeting

Thank you for attending a Stage 2 / review meeting in line with the Managing Work Performance Policy on (DATE). The purpose of the meeting was to review your performance against the (*formal action plan / objectives*) set at our meeting on (DATE) and to consider appropriate next steps.

At the meeting we discussed (*list key points of the feedback; where any improvements are made these should also be included*)

- Overall, I am satisfied that you have fully met the objectives set out and that your work performance has improved to the required standard. As such no further action will be taken under the Managing Work Performance policy at this stage. You are, however, expected to maintain this standard of performance and I must advise you that if work performance issues are identified whilst the First written warning is live, the procedure may be re-entered directly at Stage 3.
- Overall, I identified some improvements against the objectives set out but recognise that there is still improvement to be made namely (DETAIL). As such we agree to extend the monitoring period by (*one/two/three*) weeks/months, by which time it is expected that you will have met the objectives set out in the (*reviewed*) action plan agreed on DATE. *DETAIL ANY ADDITIONAL SUPPORT REQUIRED DURING THE EXTENDED MONITORING PERIOD.* I must advise you that failure to meet the required performance standards by this review date may result in referral to a hearing in line with the Managing Work Performance policy. I attach a copy of this policy to this letter.
- Overall, I identified that you have not made sufficient improvement against the objectives set out and will now escalate this process to the Stage 3 of the Managing Work Performance policy. I will write to you again in due course to invite you to a formal meeting in line with the policy. Although it will be a formal meeting with a workforce representative present we agreed that a full hearing would not be required. OR We agreed that this meeting should take a formal hearing. (**delete as appropriate**)

Cont ...

If not chosen to be represented before now - I would like to remind you of your right to access support from a trade union representative or Harrogate and Rural District CCG work colleague.

In the meantime, should you have any queries or concerns that you wish to raise please do not hesitate to contact me on (TELEPHONE NO).

Yours sincerely

Line manager
Job title

Ref: MWP5/FM

Date:

Dear

Managing work performance - invitation to formal (Stage 3) meeting

Further to our performance review meeting on hearing (DATE) and subsequent confirmation letter dated *****, I write to invite you to a formal meeting in line with the Managing Work Performance Policy (copy enclosed).

The meeting hearing will be held at (TIME) on (DATE) at (LOCATION). I will chair the meeting and ***** from the Workforce team will also be in attendance (in an advisory capacity). If hearing use: (NAME) (JOB TITLE) will chair the hearing and will be supported by (NAME) Workforce representative will be present to explain the key facts and will be assisted by (NAME), workforce representative. You are entitled if you wish to be accompanied by a trade union representative or Harrogate and Rural District CCG work colleague. If you intend to be accompanied, please provide me with details of your trade union representative or Harrogate and Rural District CCG work colleague at least two days in advance of the meeting date.

The purpose of the meeting is to initiate the formal stages of the Managing Work Performance procedure due to your failure to improve/ maintain the performance standards agreed with you during the informal stage of the procedure. I have enclosed the most recent copy of the performance improvement action plan which we will review at our meeting. The meeting will focus on the issues surrounding your unsatisfactory work performance and there will be an opportunity for you to raise any further issues and make suggestions. At the meeting we confirm if further action is required and if necessary we will agree a formal performance improvement action plan which will include specific action points and a timescale for improvement. You should also be aware that an outcome of the meeting may include you receiving a final written warning.

If you or your representative are unable to attend you will need to provide reasonable notice and your reasons for being unable to attend and the hearing will be rescheduled within ten working days of the original date where possible. Failure to attend the hearing without a reasonable explanation may mean that it proceeds in your absence.

I understand that this can be a difficult time and I would like to remind you that you can access the counselling service provided by our occupational health department by self-referral. I have enclosed a leaflet for your information which includes their contact details.

If you have any queries prior to the meeting or you are unable to attend, please do not hesitate to contact me on the above telephone number or email address.

Yours sincerely

Line manager
Job title

Ref: MWP6/FM

Date:

Dear

Managing work performance formal procedure - outcome of formal (Stage 3) meeting/hearing

Thank you for attending a formal meeting/hearing in line with the Managing Work Performance policy on (DATE), at which **** ***, your trade union representative or Harrogate and Rural District CCG work colleague and (NAME) workforce representative also present. In addition (NAME) attended to present key facts and was assisted by (NAME) workforce representative. (delete if not required) The purpose of the meeting was to discuss your performance following our informal performance review meeting on (DATE) during which I informed you that your performance had not improved sufficiently and I would be progressing the matter to the formal stage of the procedure.

At the meeting we discussed your recent performance against the previous performance improvement action plan which was agreed during the informal stage of the procedure OR we discussed the key areas where your performance was still not at the level required of the post and we discussed the reasons why your performance was still not at the required level. I reiterated the expectations for your post and clarified your objectives.

You were asked you if there was any underlying reason for the shortfall in performance and you explained that (DETAIL) / that there was not. As a result we agreed to put the following measures in place to support you (delete as appropriate).

After detailed discussion about these objectives we agreed a formal action plan OR we amended the previous performance improvement action plan to reflect our discussions in order to support you in delivering these objectives.

If applicable: You were issued with a Final Written Warning at which will remain live on your file until (INSERT DATE & TIME OF EXPIRY). You have the right to appeal against this warning by writing to the Chief Officer, with a copy to the Y&HCS Workforce Team within 10 working days of receipt of this letter, your letter should detail the grounds of your appeal.

I asked whether you felt you needed any additional support, training or development to assist you in this post and you stated that (DETAIL). I *agreed / suggested* that it would be beneficial for you to (DETAIL ABOUT SUPPORT). We agreed that we would review your progress against (*the action plan / your objectives*) in (*one / two / three weeks / months*). In the meantime, we will hold (*weekly / fortnightly*) one to one supervision meetings to support you in achieving your objectives in line with the agreed timescales.

Should you have any queries or concerns that you wish to raise please do not hesitate to contact me on (TELEPHONE NO).

Yours sincerely

Line manager
Job title

Ref: MWP7/FPR

Date:

Dear

Managing work performance formal procedure - invitation to Stage 3 performance review

Further to our meeting on (DATE) at which we discussed your performance in the role of *****, I write to invite you to a performance review under the formal procedure of the Managing Work Performance policy.

The meeting will be held at (TIME) on (DATE) at (LOCATION).

The purpose of the meeting is to review your progress against the performance improvement action plan agreed at our last meeting. I have enclosed a copy for your information.

Please be aware that a decision will be made at the meeting regarding how to proceed. The possible outcomes are no further formal action, further improvement period escalation to a stage 4 meeting or hearing under the Managing Work Performance Policy. Although the review meeting is regarded as informal and as such there is no right to be accompanied by a trade union representative or Harrogate and Rural District CCG work colleague, you may wish to seek advice ahead of the meeting.

If you have any queries prior to the meeting or you are unable to attend, please do not hesitate to contact me on the above telephone number or email address.

Yours sincerely

Line manager
Job title

Ref: MWP8/FPR

Date:

Dear

Managing work performance formal procedure – Outcome of Stage 3 review meeting

Thank you for attending a Stage 3 / review meeting in line with the Managing Work Performance policy on (DATE). The purpose of the meeting was to review your performance against the (*formal action plan / objectives*) set at our meeting on (DATE) and to consider appropriate next steps.

At the meeting we discussed (*list key points of the feedback; where any improvements are made these should also be included*)

- Overall, I am satisfied that you have fully met the objectives set out and that your work performance has improved to the required standard. As such no further action will be taken under the Managing Work Performance policy at this stage. You are, however, expected to maintain this standard of performance and I must advise you that if work performance issues are identified whilst the First written warning is live, the procedure may be re-entered directly at Stage 4.
- Overall, I identified some improvements against the objectives set out but recognise that there is still improvement to be made namely (DETAIL). As such we agree to extend the monitoring period by (*one/two/three*) weeks/months, by which time it is expected that you will have met the objectives set out in the (*reviewed*) action plan agreed on DATE. *DETAIL ANY ADDITIONAL SUPPORT REQUIRED DURING THE EXTENDED MONITORING PERIOD.* I must advise you that failure to meet the required performance standards by this review date may result in referral to a hearing in line with the Managing Work Performance policy. I attach a copy of this policy to this letter.
- Overall, I identified that you have not made sufficient improvement against the objectives set out and will now escalate this process to the Stage 4 of the Managing Work Performance policy. I will write to you again in due course to invite you to a formal meeting in line with the policy.

If not chosen to be represented before now - I would like to remind you of your right to arrange trade union or (*CCG / HaRD CCG work colleague*) representation.

In the meantime, should you have any queries or concerns that you wish to raise please do not hesitate to contact me on (TELEPHONE NO).

Yours sincerely

*Line manager
Job title*

Ref: MWP9/FH

Date:

Dear

Managing work performance formal procedure - invitation to formal Stage 4 hearing

Further to our performance review meeting on (DATE) at which I informed you that your performance had not improved sufficiently and that the matter would be referred to a Stage 4 hearing, I write to inform you of the details.

The hearing will be held at (TIME) on (DATE) at (LOCATION) and will proceed in accordance with the hearing panel procedure as set out in Appendix 16 the Managing Work Performance Policy.

The panel will consist of *****, (JOB TITLE) who will chair the hearing, accompanied by ***** with workforce support from *****. I will present the case summarising the key facts and will be assisted by (NAME). You are entitled if you wish to be accompanied by a trade union representative or Harrogate and Rural District CCG work colleague. If you intend to be accompanied, please provide me with details of your trade union representative or Harrogate and Rural District CCG work colleague at least two days in advance of the hearing date.

The purpose of hearing panel is to consider the performance issues and your progress towards the agreed performance level.

Copies of documentation to be considered at the hearing should be provided to you five working days ahead of the hearing. Should you wish to submit any documentation you must provide this to me and to the panel five working days prior to the hearing.

If you or your representative are unable to attend you will need to provide reasonable notice and your reasons for being unable to attend and the hearing will be rescheduled within ten working days of the original date where possible. Failure to attend the hearing without a reasonable explanation may mean that it proceeds in your absence.

You should be aware that dismissal is a potential outcome of this hearing.

It is acknowledged that this can be a difficult time and I would like to remind you that you can access the counselling service provided by our occupational health department by self-referral. I have enclosed a leaflet for your information which includes their contact details.

If you have any queries prior to the meeting or you are unable to attend, please do not hesitate to contact me on the above telephone number or e-mail address.

Yours sincerely

*Panel Chair
Job title*

STAGE 4 HEARING PANEL PROCEDURE AGENDA

The Panel Chair will open the hearing by introducing those present and outlining the reasons for the hearing taking place and the format of the hearing.

All documentation that either the individual or the line manager wishes to be considered must be submitted to the panel and other party five working days ahead of the hearing.

General Principles

During the course of the hearing exploration of any differences in facts, as they appear to the manager and employee should be carried out in a constructive manner in order to gain an understanding of the facts which are, as far as possible, acceptable to both manager and employee.

Should a new matter arise during the course of the hearing then the panel should adjourn in order that consideration may be given to the appropriateness of the introduction of this new matter. To avoid unnecessary duplication of the process as well as ensuring fairness, it may be more beneficial to adjourn the hearing in order that further investigations may be carried out in relation to the new matter. In order that both the employee and the manager have an opportunity to be listened to there should be no interruptions during case presentations.

1. Chair of the panel will lead introductions, and if the individual is not accompanied, will remind them of their right to be accompanied.
2. Chair will confirm purpose of the meeting.
3. Chair will check all parties have received all appropriate documentation.
4. Chair should explain that: Should either party require an adjournment then this request should be made to the hearing panel, with an indication of the length of time required.
5. Chair will explain order of proceedings (steps 6-12)
6. The line manager will present their case including the key facts to the panel using the documentation already provided to all those present at the panel
7. Employee and / or representative, then the panel, will have the opportunity to ask questions
8. Employee side to present their case
9. Management side, then the panel, will have the opportunity to ask questions
10. Summing up by management side, then by employee and/or their representative.
11. The panel chair will ask employee side and the management side to leave the room whilst consideration is given to the presentations and responses given by both sides, including any mitigating circumstances. The panel will consider if a warning or sanction is appropriate.

12. Upon making a decision the panel chair will ask all parties to return to the room so that the outcome of the hearing panel can be communicated. The panel chair should explain that consideration has been given to all of the issues raised at the beginning of the hearing, and all of the facts and issues raised during the course of the hearing. The panel chair must then outline what action, if any, will be taken including any sanctions.
13. It is important that where a warning/sanction is given, the employee is informed of the length of time it will remain on their record, their right of appeal, the procedure that will be followed in relation to confirming the action in writing and any arrangements for the submitting on appeal.
14. Chair will close the hearing.

Ref: MWP10/FH

Date:

Dear

Managing work performance formal procedure - outcome of formal Stage 4 hearing

I write to confirm the outcome of the stage 4 hearing held on (DATE) in accordance with the Managing Work Performance policy at which I was advised by ***** (Workforce Representative) and you were represented/ accompanied by *****; your trade union representative / HaRD CCG work colleague.

I listened carefully to the presentation given by ***** (*line manager who was assigned by name workforce rep*) and also to the opposing case you put forward *alongside the evidence that you submitted*.

***** (line manager) explained that the performance management process followed so far has not improved your performance to the required standard and that (DETAIL).

You did / did not put forward any mitigating circumstances for your underperformance. (DETAIL)

Yours sincerely

*Panel chair
Job title*

Ref: MWP11/AHP

Date:

Dear

Managing work performance formal procedure - invitation to appeal hearing panel

Following your recent appeal against the decision made on (DATE) in line with the Managing Work Performance policy, I write to inform you of the date and time of the appeal hearing panel.

The panel will be held at (TIME) on (DATE) at (LOCATION) and will proceed in accordance with the appeal hearing procedure as set out in Appendix 15 of this policy (copy enclosed).

The panel will consist of *****, *senior manager* who will chair the appeal hearing with workforce support from *****. The case will be presented by *****, *****. You are entitled if you wish to be accompanied by a trade union representative or Harrogate and Rural District CCG work colleague. If you intend to be accompanied, please provide me with details of your work colleague or staff side representative at least two days in advance of the hearing date.

You must provide the appeal hearing panel with a full written statement of the case, including the grounds upon which the appeal is presented and any documents you intend to use at least 5 working days prior to the appeal hearing. The case will be based on the original documents used at the hearing held on (DATE).

It is acknowledged that this can be a difficult time and I would like to remind you that you can access the counselling service provided by our occupational health department by self-referral. I have enclosed a leaflet for your information which includes their contact details.

If you have any queries prior to the meeting or you are unable to attend, please do not hesitate to contact me on the above telephone number or email address.

Yours sincerely

*Panel chair
Job title*

cc. Members of the panel

APPEAL HEARING PROCEDURE / AGENDA

General Principles

The procedure for an appeal hearing is as follows :

During the course of the hearing exploration of any differences in facts, as they appear to the manager and employee should be carried out in a constructive manner in order to gain an understanding of the facts which are, as far as possible, acceptable to both manager and employee.

Should a new matter arise during the course of the hearing then the panel should adjourn in order that consideration may be given to the appropriateness of the introduction of this new matter. To avoid unnecessary duplication of the process as well as ensuring fairness, it may be more beneficial to adjourn the hearing in order that further investigations may be carried out in relation to the new matter. In order that both the employee and the manager have an opportunity to be listened to there should be no interruptions during case presentations.

General Principles

1. Chair of the panel will lead introductions, and if the individual is not accompanied, will remind them of their right to be accompanied.
2. Chair will confirm purpose of the meeting.
3. Chair will check all parties have received all appropriate documentation.
4. Chair should explain that: Should either party require an adjournment then this request should be made to the hearing panel, with an indication of the length of time required.
5. Chair will explain order of proceedings (steps 6-14)
6. The appellant will present their case first, detailing the grounds for their appeal including the calling of any witnesses.
7. The management side will then be able to ask any questions about the case the appellant has presented
8. The appeal panel members will also have an opportunity to ask any questions.
9. The management side will then be asked to present their case, explaining the reasons for the action taken, including the calling of any witnesses.
10. The appellant may then wish to ask management side any questions about the case.
11. The appeal panel members will also have the opportunity to ask any questions.

12. Both parties will have the chance to sum up their case.
13. There will then be an adjournment when both sides will be asked to leave the room while the appeal panel consider the information they have heard and reach their decision.
14. The decision of the panel will be communicated to both parties verbally, following the adjournment wherever possible, and in any case will be confirmed later in writing (again to either party), no later than five working days after the appeal hearing.
15. Chair will close the hearing.

Ref: MWP12/AH

Date:

Dear

Managing work performance formal procedure - outcome of appeal hearing

I write to confirm the outcome of the appeal hearing held on (DATE) in accordance with the Managing Work Performance policy at which I was advised by ***** (Workforce Representative) and you were represented / accompanied by *****, your trade union representative / HaRD CCG work colleague.

I listened carefully to the presentation by ***** (*name manager who was supported by name workforce Rep*) and also to the opposing case you put forward *alongside the evidence that you submitted*.

You did / did not put forward any mitigating circumstances for your underperformance.
(DETAIL)

I upheld the sanction issued by / I did not uphold the sanction issued by and *removed the sanction / dismissed the case / issued a new sanction*.

This is the final stage of the appeal process and the decision of the panel is binding and therefore there is no further internal right of appeal.

Yours sincerely

*Panel chair
Job title*

A POLICY OF PROVIDING A GUIDE TO TRUST SERVICES IN ENGLISH ONLY

1. Equality Impact Analysis: Assessment Test				
What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by <i>The Equality Act 2010</i> ?				
Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists
Gender (Men and Women)	✓			
Race (All Racial Groups)			✓	People who cannot read English will not be able to have access to this information.
Disability (Mental and Physical)			✓	People who are blind or partially sighted or have a learning difficulty may not be able to have access to this information.
Religion or Belief	✓			
Sexual Orientation (Heterosexual, Homosexual and Bisexual)	✓			
Pregnancy and Maternity	✓			
Transgender	✓			
Marital Status	✓			
Age	✓			

2. Action Planning

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by *The Equality Act 2010*?

Identified Risk:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
<p>People who cannot read English will not be able to have access to this information</p>	<p>Speak with people who already work with different racial groups to find out how they think the information could be made accessible to them.</p> <p>Proactively produce information in a specific language where there is a specific need.</p>			
<p>People who are blind or partially sighted or have a learning difficulty may not be able to have access to this information</p>	<p>Engage with local communities from different disabilities to find out how they in what way they would like to access this information.</p> <p>Speak with people who already work with different disabilities to find out how they think the information could be made accessible to them.</p> <p>Proactively produce information in a specific format as recommended by groups (look at font size, coloured paper)</p>			

3. Equality Impact Analysis

Policy / Project / Function:	Managing Work Performance Policy								
Date of Analysis:	30 September 2014								
This Equality Impact Analysis was completed by: (Name and Department)	Workforce Policy Lead								
What are the aims and intended effects of this policy, project or function ?	<ul style="list-style-type: none"> • The Clinical Commissioning Group (CCG) has the right and responsibility to establish its' requirements in standards of work to be achieved by its employees, so long as these are realistic and clearly defined. In order to fulfil this responsibility the CCG will ensure that individual employees' work is monitored fairly. • The CCG is committed to valuing all of its employees and will encourage them, through guidance, training and development, to perform in their role on a consistent basis. Where there is an identified failure in performance, the CCG will, as part of the process of encouragement and support, discuss with the employee the reasons giving rise to that situation. 								
Please list any other policies that are related to or referred to as part of this analysis?	<ul style="list-style-type: none"> • CCG Health and Attendance Policy • CCG Disciplinary Policy • CCG Bullying and Harassment Policy 								
Who does the policy, project or function affect ? Please Tick ✓	<table style="width: 100%; border: none;"> <tr> <td style="padding-left: 20px;">Employees</td> <td style="text-align: right;"><input checked="" type="checkbox"/></td> </tr> <tr> <td style="padding-left: 20px;">Service Users</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td style="padding-left: 20px;">Members of the Public</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td style="padding-left: 20px;">Other (List Below)</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> </table>	Employees	<input checked="" type="checkbox"/>	Service Users	<input type="checkbox"/>	Members of the Public	<input type="checkbox"/>	Other (List Below)	<input type="checkbox"/>
Employees	<input checked="" type="checkbox"/>								
Service Users	<input type="checkbox"/>								
Members of the Public	<input type="checkbox"/>								
Other (List Below)	<input type="checkbox"/>								

4. Equality Impact Analysis: Screening

	Could this policy have a positive impact on...		Could this policy have a negative impact on...		Is there any evidence which already exists from previous (e.g. from previous engagement) to evidence this impact
	Yes	No	Yes	No	
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Review undertaken no impact
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Review undertaken no impact
Sexual Orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Review undertaken no impact
Disabled People	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Para 5.2 specifically mentions issues of performance arising out of disability (Equality Act 2010). 0% of staff have declared a disability.</p> <p>In Yorkshire and Humber the population statistics are :</p> <p>Day-to-Day Activities Limited a Lot 8.43%</p> <p>Day-to-Day Activities Limited a Little 9.92%</p> <p>Day-to-Day Activities Not Limited 81.65%</p> <p>In terms of national data :</p> <p>National evidence is that 'Disabled people are significantly more likely to experience unfair treatment at work than non-disabled people. In 2008, 19 per cent of disabled people experienced unfair treatment at work compared to 13 per cent of non-disabled people' (source: Office for Disability issues)</p>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Review undertaken no impact

Transgender People	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	Review undertaken no impact
Pregnancy and Maternity	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	Review undertaken no impact
Marital Status	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	Review undertaken no impact
Religion and Belief	<input type="checkbox"/>	✓	<input type="checkbox"/>	✓	Review undertaken no impact
Reasoning	Para 5.2 specifically mentions issues of performance arising out of disability (Equality Act 2010) – positive impact. Makes all reasonable provision to ensure equity of access to all staff. Any review of the policy should, however, cover how it has been applied and not just its intention.				
If there is no positive or negative impact on any of the Nine Protected Characteristics go to Section 7					

5. Equality Impact Analysis: Local Profile Data

Local Profile/Demography of the Groups affected as at July 2014	
General	Total number of employees in the CCG is 22
Age	72.73% are aged 30-55 29.27% of staff are over 55 No employees are under 30
Race	90.9% staff employed in the CCG are White 4.55% staff are Black 4.55% of staff have are not stated / undefined their ethnicity
Sex	54.55% staff employed are male 45.45% staff employed are female
Gender reassignment	No information at this stage
Disability	86.36% of staff employed declared themselves as having no disability 13.64% did not declare / undefined No staff have declared a disability
Sexual Orientation	77.27% of staff described themselves as heterosexual 22.73% did not wish to respond / undefined
Religion, faith and belief	Christianity is the largest religious group declared by staff in the CCG (40.91%) 27.27% declared themselves Atheist 27.27% were undefined or did not wish to declare 4.55% of staff have other beliefs / religious beliefs
Marriage and civil partnership	81.81% of employees are married. No employees are in a civil partnership. The remainder (18.19%) are single / divorced / legally separated or widowed
Pregnancy and maternity	No information yet as the CCG has not been established long enough to build meaningful data

6. Equality Impact Analysis: Equality Data Available

<p>Is any Equality Data available relating to the use or implementation of this policy, project or function?</p> <p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as ‘<i>Equality Groups</i>’.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> 1. Application success rates <i>Equality Groups</i> 2. Complaints by <i>Equality Groups</i> 3. Service usage and withdrawal of services by <i>Equality Groups</i> 4. Grievances or decisions upheld and dismissed by <i>Equality Groups</i> 5. <i>Previous EIAs</i> 	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document).</p>
<p>List any Consultation e.g. with employees, service users, Unions or members of the public that has taken place in the development or implementation of this policy, project or function</p>	<p>CSU’s including local partnership forums</p> <p>Management / Staff Side</p> <p>National CSU Partnership Forum</p>
<p>Promoting Inclusivity How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation</p>	<p>This Policy does not directly promote inclusivity, but sets out a framework to manage performance in a fair and consistent manner</p>

7. Equality Impact Analysis: Assessment Test

What impact will the implementation of this policy, project or function have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and if applicable, justification where a <i>Genuine Determining Reason</i> exists
Gender (Men and Women)	✓			Review undertaken no impact
Race (All Racial Groups)	✓			Review undertaken no impact
Disability (Mental and Physical)				Para 5.2 specifically mentions issues of performance arising out of disability (Equality Act 2010). 0% of staff have declared a disability. However, the CCG views that consideration should be given to staff who may become disabled and/or employees who are recruited with disabilities in the future (ref local population data)
Religion or Belief	✓			Review undertaken no impact
Sexual Orientation (Heterosexual, Homosexual and Bisexual)	✓			Review undertaken no impact
Pregnancy and Maternity	✓			Review undertaken no impact
Transgender	✓			Review undertaken no impact
Marital Status	✓			Review undertaken no impact
Age	✓			Review undertaken no impact

8. Action Planning

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Identified Risk:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
No identified risks, however equal application is essential	Monitoring the use of the policy	Workforce Manager	Review after one year	Annually

9. Equality Impact Analysis Findings

Analysis Rating:	<input type="checkbox"/> Red	<input type="checkbox"/> Red/Amber	<input type="checkbox"/> Amber	<input type="checkbox"/> X Green
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		Actions	Wording for Policy / Project / Function
<p>Red</p> <p>Stop and remove the policy</p>	<p>Red: As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i>. It is recommended that the use of the policy be suspended until further work or analysis is performed.</p>	<p>Remove the policy</p> <p>Complete the action plan above to identify the areas of discrimination and the work or actions which needs to be carried out to minimise the risk of discrimination.</p>	<p>No wording needed as policy is being removed</p>
<p>Red Amber</p> <p>Continue the policy</p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i>. However, a genuine determining reason may exist that could legitimise or justify the use of this policy and further professional advice should be taken.</p>	<p>The policy can be published with the EIA</p> <p>List the justification of the discrimination and source the evidence (i.e. clinical need as advised by NICE).</p> <p>Consider if there are any potential actions which would reduce the risk of discrimination.</p> <p>Another EIA must be completed if the policy is changed, reviewed or if further discrimination is identified at a later date.</p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i>. However, a genuine determining reason exists which justifies the use of this policy and further professional advice.</p> <p><i>[Insert what the discrimination is and the justification of the discrimination plus any actions which could help what reduce the risk]</i></p>

Equality Impact Findings (continued):

		Actions	Wording for Policy / Project / Function
<p>Amber</p> <p>Adjust the Policy</p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p>	<p>The policy can be published with the EIA</p> <p>The policy can still be published but the Action Plan must be monitored to ensure that work is being carried out to remove or reduce the discrimination.</p> <p>Any changes identified and made to the service/policy/ strategy etc. should be included in the policy.</p> <p>Another EIA must be completed if the policy is changed, reviewed or if further discrimination is identified at a later date.</p>	<p>As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.</p> <p><i>[Insert what the discrimination is and what work will be carried out to reduce/eliminate the risk]</i></p>
<p>Green</p> <p>No major change</p>	<p>As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>	<p>The policy can be published with the EIA</p> <p>Another EIA must be completed if the policy is changed, reviewed or if any discrimination is identified at a later date</p>	<p>As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.</p>

Brief Summary / Further comments	<p>This analysis highlights that there is the potential for issues relating to performance to arise out of a disability and this is specifically covered in paragraph 5.2 of the policy.</p>
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Approved By		
Job Title:	Name:	Date:

Sustainability Impact Assessment

Staff preparing a policy, Governing Body (or Sub-Committee) report, service development or project are required to complete a Sustainability Impact Assessment (SIA). The purpose of this SIA is to record any positive or negative impacts that this is likely to have on sustainability.

Title of the document	Managing Work Performance Policy HaRD 015
What is the main purpose of the document	To provide guidance on the effective management of unsatisfactory work performance
Date completed	September 2014
Completed by	Y&HCS Workforce Team

Domain	Objectives	Impact of activity Negative = -1 Neutral = 0 Positive = 1 Unknown = ? Not applicable = n/a	Brief description of impact	If negative, how can it be mitigated? If positive, how can it be enhanced?
Travel	Will it provide / improve / promote alternatives to car based transport? Will it support more efficient use of cars (car sharing, low emission vehicles, environmentally friendly fuels and technologies)? Will it reduce 'care miles' (telecare, care closer) to home? Will it promote active travel (cycling, walking)? Will it improve access to opportunities and facilities for all groups?	n/a		
Procurement	Will it specify social, economic and environmental outcomes to be accounted for in procurement and delivery? Will it stimulate innovation among providers of services related to the delivery of the organisations' social, economic and environmental objectives? Will it promote ethical purchasing of goods or services? Will it promote greater efficiency of resource use? Will it obtain maximum value from pharmaceuticals and technologies (medicines management, prescribing, and supply chain)? Will it support local or regional supply chains? Will it promote access to local services (care closer to home)?	n/a		

	Will it make current activities more efficient or alter service delivery models			
Facilities Management	Will it reduce the amount of waste produced or increase the amount of waste recycled? Will it reduce water consumption?	n/a		
Workforce	Will it provide employment opportunities for local people? Will it promote or support equal employment opportunities? Will it promote healthy working lives (including health and safety at work, work-life/home-life balance and family friendly policies)? Will it offer employment opportunities to disadvantaged groups?	n/a		
Community Engagement	Will it promote health and sustainable development? Have you sought the views of our communities in relation to the impact on sustainable development for this activity?	n/a		
Buildings	Will it improve the resource efficiency of new or refurbished buildings (water, energy, density, use of existing buildings, designing for a longer lifespan)? Will it increase safety and security in new buildings and developments? Will it reduce greenhouse gas emissions from transport (choice of mode of transport, reducing need to travel)? Will it provide sympathetic and appropriate landscaping around new development? Will it improve access to the built environment?	n/a		
Adaptation to Climate Change	Will it support the plan for the likely effects of climate change (e.g. identifying vulnerable groups; contingency planning for flood, heat wave and other weather extremes)?	n/a		
Models of Care	Will it minimising 'care miles' making better use of new technologies such as telecare and telehealth, delivering care in settings closer to people's homes? Will it promote prevention and self-management? Will it provide evidence-based, personalised care that achieves the best possible outcomes with the resources available? Will it deliver integrated care, that co-ordinate different elements of care more effectively and remove duplication and redundancy from care pathways?	n/a		