



| <b>POLICY / PROCEDURE INFORMATION</b><br>(Policy no HR00028) |  |
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| <b>Subject</b>   | <b>Management of Performance Policy and Procedure</b><br><i>(This policy is non-contractual and subject to periodic review and will be amended according to service development needs)</i> |
| <b>Applicable to</b>   | All staff members of Nottinghamshire Hospice   |
| <b>Date issued</b>   | May 2022   |
| <b>Next review date</b>                                      | May 2025   |
| <b>Lead responsible for Policy</b>                           | Donna Roberts, Head of Human Resources   |
| <b>Policy reviewed by</b>                                    | Donna Roberts, Head of Human Resources   |
| <b>Notified to (when)</b>                                    | Senior Management Team (SMT) (February 2022)   |
| <b>Authorised by (when)</b>                                  | Strategy and Corporate Governance Group (March 2022)   |
| <b>CQC Standard if applicable</b>                            |  |
| <b>Links to other Policies</b>                               | Learning, Training and Development Policy  |
| <b>Summary</b>   | This policy aims to provide a clear understanding of Nottinghamshire Hospice's approach to ensuring appropriate work performance in all roles.   |
| <b>This policy replaces</b>                                  | Capability Policy and Procedure HR00028  |

| <b>VERSION CONTROL</b>                                    |               |                      |
|---|---------------|----------------------|
| <b>Status</b>   | <b>Date</b>   | <b>Reviewed date</b> |
| Original policy written by Angela Bloomfield, HR Manager  | June 2015     | June 2017            |
| Policy Reviewed by Donna Roberts, HR Manager              | December 2018 |                      |
| Updated control sheet and published on Policy Doc App     | January 2019  |                      |
| Minor update by Donna Roberts, HR Manager to included PIP | February 2019 |                      |
| Updated control sheet and published on Policy Doc App     | March 2019    |                      |
| Logo updated and published on website                     | Dec 2020      |                      |
| Amends made and policy ratified                           | May 2022      |                      |

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## 1. Introduction

The primary aim of this policy and procedure is to provide Nottinghamshire Hospice with a framework within which line managers and staff members can work together to monitor, maintain and improve performance standards in line with the Hospice's organisational objectives.

It is our policy to ensure that staff are fully supported to achieve excellent work performance as this is critical to the success of Nottinghamshire Hospice in its delivery of services to patients, families, carers and customers. Any concerns over work performance will be dealt with fairly and steps will be taken to establish the facts and to give the staff member the opportunity to respond at a hearing before any formal sanction is given.

The Hospice's organisational objectives are:

- Objective 1 Be a centre of recognised excellence for patients requiring community Hospice Care.
- Objective 2 Building community resilience by leading and promoting positive conversations about death and dying.
- Objective 3 Deliver visible and inclusive access to end-of-life services across all communities in Nottinghamshire.
- Objective 4 Have in place a robust and sustainable business model which supports our strategy for delivery of end-of-life services.

## 2. What is covered by the policy?

This policy is used to support excellent performance and to deal with performance that falls short of the Hospice's expectations. It does not apply to cases involving genuine sickness absence, proposed redundancies, or misconduct. In those cases, reference should be made to the appropriate policy or procedure on the Hospice Website. If you are unsure which policy to use, further advice can be sought from Human Resources.

## 3. Probationary Period

If you are in your probationary period, this policy does not apply to you. Should your manager have any concerns regarding your performance during your probationary period they will discuss their concerns with you during an informal meeting. The outcome of that meeting may be to terminate your contract with immediate effect or extend your probationary period for an agreed period of time. You will have no right of appeal against the decision taken. If you do not reach the required standard at the end of any extended probationary period, your contract of employment will be terminated with immediate effect and you will have no right of appeal against the decision taken.

## 4. Supporting Performance

### 4.1 Setting Individual Objectives

To support you to contribute effectively in your role and to the organisational objectives (see above), your line manager will work with you to set individual objectives so that you are clear about the work you need to focus on. Individual objectives are set once a year as part of the Hospice's Annual Appraisal Process. Objectives should aim to be **SMART** – **S**pecific

(simple, sensible, significant), **M** measurable (meaningful, motivational), **A**chievable (agreed, attainable), **R**elevant (realistic, reasonable) and **T**imely (time limited, time/cost limited, time-based). Objectives should link to one (or more) of the 4 organisational objectives and recorded on the Hospice's Annual Appraisal form.

## **4.2 Reviewing Individual Objectives**

Once set, individual objectives will be reviewed six months after your initial Annual Appraisal meeting by your line manager. This provides an opportunity to discuss progress against the individual objectives and whether you require any further support or resources to meet your objectives over the coming six months. It may also be the case that one or more of your original objectives are no longer relevant / appropriate. When this occurs, your individual objectives can be amended or replaced.

## **4.3 Supervision**

Individual management supervision (one-to-ones) is an important on-going support mechanism between staff and their line manager. These sessions occur on a 6-8 weekly basis and provide you and your manager the opportunity to discuss: what you have achieved; how this has benefited the Hospice; your development; workload and wellbeing; any concerns that you or your manager may have and any agreed next steps. It also provides you with the chance to highlight any learning, training or development needs that have not already been covered in your Annual Appraisal documentation. All line managers have the responsibility to ensure that regular individual management supervision takes place, and all staff should ensure that they fully participate to gain the most benefit from this important developmental process. It is hoped and anticipated that these sessions will be viewed as supportive and a mechanism for personal reflection. Your discussion is captured in the hospice Supervision form, a copy of which is retained by you and your line manager. The form is available from your line manager or Human Resources.

In addition to individual management supervision, all clinical staff undertake clinical supervision in line with hospice policy. To obtain further information, please read the following policy available on the Hospice website: Clinical Supervision Policy and Procedure CS001.

## **4.4 Training Learning and Development**

The Hospice supports your training, learning and development needs to enable excellent performance in your role. As a minimum, all staff are required to complete mandatory training modules appropriate to their role via the Hospice's online platform – Blue Stream Academy. All staff are given access to the mandatory training modules. Any development needs can be discussed with your line manager and where appropriate, access given to development modules within Blue Stream Academy. In addition, a suite of practical / face-to-face training is provided on the Hospice premises to strengthen learning and development. There may also be occasions when it is appropriate for the Hospice to financially sponsor external training courses identified to benefit both you and the Hospice. The Hospice has a suite of policies and procedures to guide you in your role and these can be found via Blue Stream Academy and on the Hospice website.

All training, learning and development requests should be discussed with your line manager in the first instance to agree the best approach.

## **5. Performance Concerns – Informal Procedure**

In the first instance, performance concerns should normally be dealt with informally between you and your line manager as part of day-to-day management. Where appropriate, a note of any such informal discussions may be recorded on the hospice supervision form. To support you further, the frequency of one-to-one meetings may be increased.

## **5.1 Performance Improvement Plan (PIP)**

Additional support may take the form of a Performance Improvement Plan (PIP). A PIP is an agreed action plan between you and your line manager and highlights the areas for improvement, what is needed to make the improvement and a timescale for when it is reasonable for improvements to have occurred.

Informal discussions may help:

- a) clarify the required standards;
- b) identify areas of concern;
- c) establish the likely causes of performance concerns and identify any training needs; and/or
- d) set targets for improvement and a timescale for review

A PIP template is available from Human Resources.

## **6. Performance Concerns – Formal Procedure**

The formal procedure should be used for more serious cases, or in any case where earlier informal actions and support have not resulted in a satisfactory improvement.

You will not normally be dismissed for performance reasons without previous warnings. However, in serious cases of gross negligence in performance, dismissal without previous warnings may be appropriate. If we have concerns about your performance, we will undertake an assessment to decide if there are grounds for taking formal action under this procedure. The procedure involved will depend on the circumstances but may involve reviewing your personnel file including any appraisal records, gathering any relevant documents including supervision notes and PIP monitoring your work and, if appropriate, interviewing you and/or other individuals regarding your work.

### **6.1 Disabilities**

Consideration will be given to whether performance concerns may be related to a disability and, if so, whether there are reasonable adjustments that could be made to your working arrangements, including changing your duties or providing additional equipment or training. We may also consider making reasonable adjustments to this procedure in appropriate cases.

If you wish to discuss this or inform us of any medical condition you consider relevant, you should contact your line manager or a member of Human Resources..

### **6.2 Confidentiality**

Our aim is to deal with performance matters sensitively and with due respect for the privacy of any individuals involved. All staff members must treat as confidential any information communicated to them in connection with a matter which is subject to this management of performance policy and procedure.

You, and anyone accompanying you (including witnesses), must not make electronic recordings of any meetings or hearings conducted under this procedure, including the use of a mobile phone.

You will normally be told the names of any witnesses whose evidence is relevant to your performance hearing, unless we believe that a witness's identity should remain confidential.

### **6.3 Notification of a Performance Hearing**

If we consider that there are grounds for taking formal action over alleged performance concerns, you will be required to attend a performance hearing. We will notify you in writing of our concerns over your performance, the reasons for those concerns, and the likely outcome if we decide after the hearing that your performance has been unsatisfactory. We will also include the following where appropriate:

- a) A summary of relevant information gathered as part of any investigation.
- b) A copy of any relevant documents which will be used at the performance hearing.
- c) A copy of any relevant witness statements, except where a witness's identity is to be kept confidential, in which case we will give you as much information as possible while maintaining confidentiality.

We will give you written notice of the date, time and place of the performance hearing. The hearing will be held as soon as reasonably practicable, but you will be given a reasonable amount of time, at least 48 hours, to prepare your case based on the information we have given you.

### **6.4 Right to be accompanied at Hearings**

You may bring a companion to any performance hearing or appeal hearing under this procedure. The companion may be either a trade union representative or a colleague (but not Volunteer). You must tell the manager conducting the hearing who your chosen companion is, in good time before the hearing.

A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.

If your choice of companion is unavailable at the time a hearing is scheduled and will not be available for more than five working days, we may require you to choose someone else.

We may, at our discretion, allow you to bring a companion who is not a colleague or trade union representative (for example, a member of your family) where this will help overcome a particular difficulty caused by a disability, or where you have difficulty understanding English.

### **6.5 Procedure at Performance Hearings**

If you or your companion cannot attend the hearing you should inform us immediately and we will usually arrange an alternative time. You must make every effort to attend the hearing, and failure to attend without good reason may be treated as misconduct in itself. If you fail to attend without good reason or are persistently unable to do so (for example, for health reasons), we may have to make a decision based on the available evidence.

The hearing will normally be held by your line manager or a more senior manager and will normally be attended by a member of the Human Resources Department. You may bring a companion with you to the hearing (see section 6.4). Your companion may make representations, ask questions, and sum up your case, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during the hearing.

You may ask relevant witnesses to appear at the hearing, provided you give us sufficient advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness. However, you will not normally be permitted to cross-examine witnesses unless, in exceptional circumstances, we decide that a fair hearing could not be held otherwise.

The aims of a performance hearing will usually include:

- a) Setting out the required work standards that we believe you may have failed to meet and going through any relevant evidence that we have gathered.
- b) Allowing you to ask questions, present evidence, call witnesses, respond to evidence and make representations.
- c) Establishing the likely causes of unsatisfactory performance including any reasons why any measures taken so far have not led to the required improvement.
- d) Identifying whether there are further measures, such as additional training or supervision, which may improve performance.
- e) Where appropriate, discussing targets for improvement and a timescale for review.
- f) If dismissal is a possibility, establishing whether there is any likelihood of a significant improvement being made within a reasonable time and whether there is any practical alternative to dismissal, such as redeployment.

A hearing may be adjourned if we need to gather any further information or give consideration to matters discussed at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

We will inform you in writing of our decision and our reasons for it, usually within one week of the performance hearing. Where possible we will also explain this information to you in person.

## **6.6 Stage 1 Hearing: First Written Warning**

Following a Stage 1 performance hearing, if we decide that your performance is unsatisfactory due to capability, we will give you a First Written Warning, setting out:

- a) The areas in which you have not met the required performance standards.
- b) Targets for improvement.
- c) Any measures, such as additional training or supervision, which will be taken with a view to improving performance.
- d) A period for review. A period of review will usually last for four weeks.
- e) The consequences of failing to improve within the review period, or of further unsatisfactory performance.

Any warning issued will normally remain active for six months from the end of the review period, after which time it will be disregarded for the purposes of the performance management policy and procedure.

After six months from the end of the review, the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of future performance proceedings.

Your performance will be monitored during the review period and we will write to inform you of the outcome:

- a) if your line manager is satisfied with your performance, no further action will be taken;
- b) if your line manager is not satisfied with progress made during the review period, the matter may be progressed to a Stage 2 performance hearing; or



- c) if the line manager feels that there has been a substantial but insufficient improvement, the review period may be extended by up to a further four weeks.

## **6.7 Stage 2 hearing: Final Written Warning**

If your performance does not improve within the review period set out in a First Written Warning, or if there is further evidence of poor performance while your First Written Warning is still active, we may decide to hold a Stage 2 performance hearing. We will send you written notification.

Following a Stage 2 performance hearing, if we decide that your performance is unsatisfactory due to capability, we will give you a Final Written Warning, setting out:

- a) the areas in which you have not met the required performance standards;
- b) targets for improvement;
- c) any measures, such as additional training or supervision, which will be taken with a view to improving performance;
- d) a period for review for a further four weeks; and
- e) the consequences of failing to improve within the review period, or of further unsatisfactory performance.

A Final Written Warning will normally remain active for 12 months from the end of the review period. After the active period, the warning will remain permanently on your personnel file but will be disregarded in deciding the outcome of future performance proceedings.

Your performance will be monitored during the review period and we will write to inform you of the outcome:

- a) if your Line Manager is satisfied with your performance, no further action will be taken;
- b) if your Line Manager is not satisfied, the matter may be progressed to a Stage 3 performance hearing; or
- c) if the Line Manager feels that there has been a substantial but insufficient improvement, the review period may be extended by up to a further four weeks

## **6.8 Stage 3 hearing: dismissal or redeployment**

We may decide to hold a Stage 3 performance hearing if we have reason to believe:

- a) your performance has not improved sufficiently within the review period set out in a Final Written Warning;
- b) your performance is unsatisfactory while a Final Written Warning is still active; or
- c) your performance has been grossly negligent such as to warrant dismissal without the need for a Final Written Warning

We will send you written notification of the hearing.

Following the hearing, if we find that your performance is unsatisfactory due to capability, we may consider a range of options including:

- a) Dismissing you
- b) Redeploying you into another suitable job at the same or a lower grade
- c) Extending an active Final Written Warning and setting a further review period (in exceptional cases where we believe a substantial improvement is likely within the review period).
- d) Giving a Final Written Warning (where no final written warning is currently active).

The decision may be authorised by a member of the Senior Management Team.

Dismissal will normally be with full notice or payment in lieu of notice, unless your performance has been so negligent as to amount to gross misconduct, in which case we may dismiss you without notice or any pay in lieu.

## **6.9 Right of Appeal**

If you feel that a decision about your performance under this procedure is wrong or unjust you have the right to appeal in writing, stating your full grounds of appeal, within one week of the date on which you were informed in writing of the decision. You will be given full appeal details as part of your decision outcome letter.

If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful, you will be reinstated with no loss of continuity or pay.

If you raise any new matters in your appeal, we may need to carry out further investigation. If any new information comes to light, we will provide you with a summary including, where appropriate, copies of additional relevant documents and witness statements. You will have a reasonable opportunity to consider this information before the hearing.

We will give you written notice of the date, time and place of any appeal hearing. This will normally be at least 48 hours after you receive the written notice.

The appeal hearing may be a complete re-hearing of the matter or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light. This will be at our discretion depending on the circumstances of your case. In any event the appeal will be dealt with as impartially as possible.

Where possible, the appeal hearing will be conducted by a more senior manager or Hospice trustee who has not been previously involved in the case. A member of the Human Resources team will also be present. You may bring a companion with you to the appeal hearing (see section 6.4).

A hearing may be adjourned if we need to gather any further information or give consideration to matters discussed at the hearing. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.

Following the appeal hearing we may:

- a) confirm the original decision;
- b) revoke the original decision;

We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. Where possible we will also explain this to you in person. There will be no further right of appeal.

## **7. Notification to External Parties**

In some cases, we may be obliged to report performance concerns, investigation findings or other appropriate documentation to the police, or other appropriate authority, such as The Adults and Safeguarding Committee, Royal College Nursing, Disclosure Barring Service, Care Quality Commission.