



All-Wales Improving Performance at Work Policy

Fforwm Partneriaeth Cymru
Welsh Partnership Forum

GIG Cymru *yn*
Gweithio mewn Partneriaeth

NHS Wales
Working in Partnership



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1. Policy statement

- 1.1 The Core Principles of NHS Wales are central to this policy and have been applied throughout. [NHS Wales Core Principles](#)

2. About this policy

- 2.1 This policy is applicable to all employees employed in NHS Wales organisations, except Medical and Dental staff where specific arrangements apply in cases of professional conduct or competence. It does not apply to bank workers, agency workers or self-employed contractors.
- 2.2 Before considering any action in accordance with this policy, the relevant code of conduct and professional code of practice should be considered, and advice should be sought from the relevant professional lead.
- 2.3 The primary aim of this policy is to provide a framework within which managers can work with employees to maintain satisfactory performance standards and to encourage improvement where necessary.
- 2.4 Where an employee is either jointly employed or is not employed by the NHS Organisation but provides a service for the NHS Organisation, the performance issue will be addressed under the scope of the policy of the lead employer.
- 2.5 This policy should be used where the unsatisfactory performance is due to a genuine lack of skill or ability. Where unsatisfactory performance is attributed to suspected misconduct, it should be dealt with under the Disciplinary Policy. Where the primary cause of unsatisfactory performance is considered to be health related, this should be referred, in the first instance to the All Wales Managing Attendance at Work Policy.

3. Principles

- 3.1 Line Managers are responsible for ensuring that all employees are given a clear understanding of their duties, the standards of performance expected and assessment of any development needs which they may have, including the timescales within which these need to be addressed. This is usually undertaken via the PADR process.
- 3.2 During an induction period, the expectation would be that the level of support required would be greater than once the employee has settled in.
- 3.3 During the normal course of their duties, line managers should meet regularly with their employees and bring to their attention any issues relating to their performance.
- 3.4 All employees have the right to be accompanied by a Trade Union representative or work colleague, at all formal stages of the process. If the preferred representative is unavailable, but a suitable alternative is, this should not delay the process.

- 3.5 Performance matters should be dealt with sensitively and with due respect for the privacy of the individuals involved.
- 3.6 All meetings should be conducted in a manner that is supportive to the employee to enable them to understand the concerns and meet the level of performance required at the earliest opportunity.
- 3.7 Line managers will put the employee at the centre of the process and respect and appropriately respond to each person's needs and values. They will recognise the potential for bias involving employees from an ethnic minority background, as well as those from other under-represented groups, and will be proactive to ensure bias does not form part of any decision-making.
- 3.8 Line managers will recognise the ways cultural backgrounds, values and norms may influence an employee's behaviour, communication style or perceptions. By integrating cultural competence, decision-makers can avoid misinterpreting actions or intentions that stem from cultural differences rather than misconduct.
- 3.9 Line managers will be aware of the impact that experiences of racism, microaggressions, and other forms of discrimination can have on employees is recognised. The aim is to ensure that all employees are treated with fairness, dignity, respect, and taking into account their backgrounds, circumstances, and characteristics. These include age; impairment or health condition (disabled people); gender, gender identity or gender expression; race, culture, ethnicity or nationality; religion, belief, or non-belief; sexual orientation; pregnancy and maternity; and relationship status.
- 3.10 Line managers should be aware of the role intersectionality has on an employee's experiences of the Improving Performance at Work policy.

4. Informal Stage Discussion

4.1 This should include:

- A clear statement from the manager outlining areas of performance in need of improvement, together with an explanation of the standard expected. (Reference can be made to the job description, PADR objectives and/or any specific examples of work causing concern.)
- Identification of the extent and nature of the factors and impact arising.
- Exploring how the factors identified can be overcome or minimised.
- Exploring any mitigating circumstances, e.g. underlying health conditions
- Setting clear targets for improvement and developing an action plan with timescales for any follow up and/or achievement.
- Offering and agreeing opportunities for support and training.

4.2 Following the meeting, the manager will provide a copy of summary of the meeting. This will include the areas of performance considered as unacceptable, the informal performance improvement plan (insert link) and timescales.

- 4.3 A date should be set (usually defined in weeks) for a follow-up meeting to review progress; the purpose of which will be to confirm areas where performance concerns have been addressed and/or to outline areas, if any, where performance remains unsatisfactory.
- 4.4 Where performance remains unsatisfactory after the follow up meeting, the employee will be advised that the issues remaining will progress to the formal stage of the process and a formal meeting arranged.

5. Formal Stage 1 Meeting

- 5.1 The meeting arrangements will be sent to the employee 7 calendar days in advance. The meeting should cover as a minimum the following: -
- A summary from the manager outlining the informal process to date or reasons why it was not appropriate to consider the concern(s) at the informal stage.
 - A clear statement by the manager outlining areas of performance in need of improvement, together with an explanation of the standard expected.
 - An acknowledgement, where appropriate, of any improvement, however small.
 - Consideration of any mitigating factors.
 - Establishment of a formal performance improvement plan (PIP) with timescales.
 - Agreeing additional opportunities for support and training, if appropriate.

6. Formal Stage 2 Meeting

- 6.1 The meeting arrangements will be sent to the employee 7 calendar days in advance. The meeting should cover as a minimum the following: -
- A summary from the manager covering the informal/formal process to date and outcome.
 - Acknowledgement of any improvement, however small.
 - Specific details of all aspects of the employee's work which remains unsatisfactory.
 - Consideration of any mitigating factors.
 - Review/revision of the Performance Improvement Plan (PIP) with revised timescales.
 - Clarification of next steps if performance does not reach the required standard.
 - Agreeing any further opportunities for support and (re)training if appropriate.

7. Confirming Formal Stage Outcomes

7.1 Following a formal meeting, the manager will send a letter to the employee outlining a summary of the meeting, including the areas of performance considered as unsatisfactory, the improvement plan, timescales and next steps.

7.2 A date should be included (usually defined in weeks) for a follow-up discussion to review progress; the purpose of which will be to confirm areas where performance concerns have been addressed and/or to outline areas, if any, where performance remains unsatisfactory.

N.B. Where performance improves to the required standard sooner than the timescales require, the discussion can be brought forward, and the process concluded.

7.3 Where performance remains unsatisfactory, the employee will be advised that the issues remaining will progress to the next stage of the formal process.

8. Stage 3 Hearing

8.1 The hearing will comprise of a panel of a more senior manager not previously involved and a Senior Workforce/HR Manager. Arrangements will be sent to the employee 14 calendar days in advance and include the following documents:

- Outcome email/letter for each stage undertaken
- Copy of each PIP
- Stage 3 invite letter

8.2 The Hearing will follow the following structure:

- The manager will provide a verbal statement outlining:
 - the process followed to date
 - a summary of the issues
 - support offered (taken from the PIPs)
 - progress to date
 - concerns remaining and their impact
- The employee can provide a verbal and/or written response in relation to each of the above points together with any mitigating factors they wish the panel to take account of.
- The panel may ask questions of each party in relation to the case presented.
- The views of the employee may also be sought in relation to any redeployment opportunities available at the time.
- The panel will then adjourn to consider their determination.

8.3 The outcomes available to the panel are as follows:

- a) The PIP has been achieved in full by the date of the hearing and performance is assessed as satisfactory. If similar performance issues arise again within a 12-month period, the individual will be invited to a further stage 3 Hearing.
- b) There has been partial achievement of the PIP; the timescales for improvement are extended for a further period (usually no more than one month). The Stage 3 Hearing will be adjourned and reconvened at the end of this period to formally review the position.
- c) Performance remains below the required standard; the employee will be dismissed by reason of capability. Any offer of alternative employment will be included in the outcome letter and be dealt with in accordance with the Redeployment Procedure.

8.4 The outcome letter will be sent to the employee within 7 calendar days of the hearing.

9. Appeal

9.1 The employee has a right of appeal against dismissal within 14 calendar days of the date of the Stage 3 outcome letter. The grounds of appeal should be included in the notification.

N.B. The date the dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful the employee will be reinstated with no loss of continuity or pay.

9.2 The appeal will be heard by a panel comprising of a more senior manager not previously involved (nominated by the Deputy Director of Workforce and Organisational Development) and the Head of Workforce/HR or deputy. Arrangements will be sent to the employee 14 calendar days in advance and include the following documents:

- Grounds of appeal
- Outcome documentation for each stage undertaken
- Copy of each PIP
- Appeal invite letter

9.3 The purpose of the appeal is to establish if the decision to dismiss was reasonable in light of the grounds raised by the employee and the case presented by the senior manager of the Hearing Panel. The appeal is not a re-hearing of the original evidence.

9.4 The outcomes available to the appeal panel will be to:

- a) uphold the appeal
- b) dismiss the appeal

c) uphold the appeal in part

9.5 The employee will be advised of the outcome of their appeal in writing, usually within one week of the appeal hearing. There will be no further right of appeal.

10. Equality

10.1 This policy has been impact assessed to ensure that it promotes equality and human rights.

10.2 Employees can receive any documentation arising from this process in either Welsh or English and can use the Welsh language in any meeting attended. A simultaneous translation service will be provided at the meeting when it cannot be conducted solely in Welsh.

11. General Data Protection Regulations

11.1 All documents generated under this policy that relate to identifiable individuals are to be treated as confidential documents, in accordance with the NHS Organisation's Data Protection Policy.

12. Monitoring

12.1 Details of all performance management discussions under this policy will be recorded on the employee's file for a period of 12 months from conclusion of the process. Anonymised data may be reported to the relevant Committee as deemed appropriate by the employing organisation.

13. Approval

Signed on behalf of the Staff Side:

Signed:

Name:

.....

Title:

.....

Date:

.....

Signed on behalf of the Management Side:

Signed:

Name:

Title:

Date:

Appendix 1 – Informal Performance Improvement Plan Template

Employee Name _____

Date of Meeting _____

Employee Number _____

Job Title _____

When developing the performance improvement plan, it must be ensured that each objective is Specific, Measurable, Achievable, Relevant, Time specific (SMART). The plan in its totality should also be achievable and objectives should not be too numerous taking into consideration the time specified for achievement.

Outline what aspect of the role the concern(s) relate to and the frequency of the activity	Outline the concern(s) identified (include specific examples where possible and their impact)	Mitigation put forward	Training and support discussed	Details of what success will look like	Timescale for completion (usually defined in weeks)

SIGNED _____

Manager's Name _____

Date _____

SIGNED _____

Individual's Name _____

Date _____

Appendix 2 – Formal Performance Improvement Plan Template

Form PIP2 - Formal Performance Improvement Plan

Stage 1 Meeting* / Stage 2 Meeting* (*delete as appropriate)

Employee Name _____

Date of Meeting _____

Employee Number _____

Job Title _____

Dates of Previous Meetings _____

When developing the performance improvement plan, it must be ensured that each objective is Specific, Measurable, Achievable, Relevant, Time specific (SMART). The plan in its totality should also be achievable and objectives should not be too numerous taking into consideration the time specified for achievement.

Outline what aspect of the role/objective the concern(s) relates to and the frequency of the activity	Outline the concern(s) identified (include specific examples where possible and their impact)	Mitigation put forward previously	Action required Include details of training and support offered	Details of what success will look like	Timescale for completion (usually defined in weeks)	Progress Made including details of training and support provided.	Status update: Place 'Y' in one of the boxes below	
							Performance now satisfactory	Performance Concerns Carried Forward
(Copy from PIP1)	(Copy from PIP1)	(Copy from PIP1)	(Copy from PIP1)	(Copy from PIP1)	(Copy from PIP1)			

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Overall Assessment - Performance has improved to the standard required Yes* / No *

Where action(s) carried forward please update below:

Outline what aspect of the role the concern(s) relate to and the frequency of the activity	Outline the concern(s) identified (include specific examples where possible and their impact)	Mitigation put forward at meeting	Training and support discussed	Details of what success will look like	Timescale for completion (usually defined in weeks)
(Copy from above)	(Copy from above)				

Employee informed of next steps Yes* / No* Date of next meeting _____

SIGNED _____ Manager's Name _____ Date _____

SIGNED _____ Individual's Name _____ Date _____