

Managing Performance Policy

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Introduction

In order to ensure that BrisDoc's patients receive the best service, it is important to maintain high standards in performance amongst all staff individuals.

However, BrisDoc recognises that there are occasions when the performance of individuals may slip. Poor performance occurs where an individual is unable to undertake all, or part of a role, or meet and/or maintain required standards. And where the cause appears to be a performance issue perse rather than, say, illness or other extraneous circumstances.

This policy covers the management of performance for all BrisDoc individuals (excluding self-employed) who have completed their probationary period, and the responsibilities of managers and co-owners in sustaining and encouraging good performance.

Problems during probation and failed probation are dealt with during induction, outside of this policy. This policy is to be used in conjunction with other BrisDoc policies and procedures:

- Induction Policy
- Equality & Diversity policy
- Sickness Absence Policy
- Disciplinary Procedure
- Performance & Development Review (PDR) policy

In line with BrisDoc's main business focus areas, we are committed to:

- Encouraging and promoting effective performance
- Achievement of effective personal development planning
- Provision of effective learning and development opportunities for our co-owners
- Ensuring an inclusive and supportive environment

Principles

BrisDoc recognises that in order for individuals to perform effectively, managers must set out clear and appropriate objectives and / or standards of performance that an individual is required to meet. The required skills, knowledge and competencies must also be made clear. Managers will ensure these are set as part of the PDR process, which is outlined in the PDR policy.

Where an individual does not meet these standards, managers should provide constructive and specific feedback and support to assist the individual in meeting them.

There may be times when the performance of an individual is not meeting the required standards and / or their objectives and must therefore be managed in a fair and consistent way.

BrisDoc recognises that all its managers must deal with performance capability issues in a clear, fair and empathic manner, taking into account the needs of the service and each individual's circumstances.

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Where performance is related to a clinical professional qualification, an appropriately qualified manager should address the standards. Where the performance of a clinician is in question, consideration should be given to refer to BrisDoc's Performance Advisory Group (PAG). *Refer to separate PAG terms of reference.*

Informal Managing Performance Meeting

The threshold to enact an informal performance management meeting are:

- completed induction
- standard objective setting (via PDR), and feedback has been undertaken between manager and the individual, without success
- and / or the individual is not performing to the level of standards set, or is not achieving the objectives agreed

The manager should first endeavour to manage the performance issue informally. However, due to the nature of our organisation in providing safe patient care, should it be deemed that an individual's performance presents a serious risk to patients and/or co-owners, BrisDoc reserves the right to invoke the formal performance process regardless of whether the informal process has commenced or not.

Informal Performance Management Process

As part of the informal process, the manager will meet with the individual on a 1-to-1 basis in a confidential work environment. This meeting will be open and supportive, with the aim of identifying the reasons for the performance issue(s) and finding ways of assisting the individual to reach the required level.

The process will involve having a "improvement plan" (IP) in order to create a clear framework that will enable the individual to improve to the required standards; thus giving the opportunity to improve before any formal procedures are triggered (See appendix two for IP template).

Practically, it will involve the re-setting of clear and specific objectives and/or standards of work performance between the manager and individual, and discussion on how the individual could change or improve their performance. The manager will normally set out the support and training to be provided and the objectives and standards of performance to be reached, maintained and demonstrated on an ongoing basis. These will be agreed in discussion between the manager and individual, and confirmed in writing by the manager.

An appropriate time scale / review period for the informal process will be agreed between the manager and individual of **up to and not normally more than eight weeks** (subject to the seniority of the post and the complexity of the responsibilities requiring improvement; whilst balancing BrisDoc's four focus areas). During this period the individual will be required to achieve the required level of performance, reaching, and demonstrating on an on-going basis the standards and / or objectives set.

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If the individual has met the required level of performance

The manager will thank the individual for their improvement and discuss the importance of sustaining this standard of performance. The individual's performance will continue to be monitored as with all other individuals i.e., through the normal management arrangements, PDR, and feedback process in BrisDoc.

If performance is not maintained at a satisfactory level during the next three months, the formal procedure will start again at the formal stage one meeting level.

If the individual has not met the required level of performance

If by the end of the informal review period the agreed objectives and standards are not achieved, maintained, or demonstrated by the individual, the manager will recommend that the formal managing performance process is commenced. This will be confirmed in writing from the manager to the individual.

Invoking Formal Performance Management Process

If there is concern that an individual's performance presents a serious risk to patients and/or staff, in the first instance the manager must arrange a Performance Management Conference Call (PMCC), to include the line manager, a People Team representative and a senior clinical team member e.g., Deputy Medical Director, to clarify whether invoking the formal performance process (in lieu of the informal process) is the preferred route. *Refer to PMCC terms of reference.*

In the case of a clinical individual, invoking the formal process (in lieu of the informal process) should also include the convening of a Performance Advisory Group (PAG). *Refer to PAG terms of reference.*

Health Related Issues

Where there is an issue of performance identified, it is important to try to identify the reasons e.g., are there any personal, stress, or health related reasons that should be taken into consideration.

The issue of health will be raised with the individual, normally at the informal stage or at least by the first formal managing performance meeting. If there is a reasonable possibility of the performance issues being related to medical issues, the manager should refer the individual to Occupational Health or seek a medical report from the individual's GP/specialist to clarify whether there are any underlying health issues which are affecting their performance.

The medical referral process will take place in parallel to the managing performance process and should not delay meetings or review periods. If an underlying health problem is identified which is causing the performance problems, the managing performance process may, where

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appropriate, be put on hold and the individual will instead be dealt with through BrisDoc's Sickness Absence Policy in conjunction with external medical advice.

Support

Whilst the role of the Performance Management process is supportive, with the aim of finding ways of assisting an individual in meeting the required level of performance, it is recognised that an individual and / or manager may find the process causes anxiety and / stress. It is therefore important that both the individual and manager can seek appropriate support during the process, either from a colleague / mentor or a member of the People team

First Formal Performance Management Meeting

Upon referral to the formal managing performance process the manager will arrange a formal performance meeting with the individual, providing a minimum of 3 working days' notice to allow time for the individual to prepare. At this meeting the manager will normally be supported by a People Team representative and the individual will have the opportunity to be accompanied by an accredited trade union or a colleague. The approach at this meeting will be supportive with the aim of identifying the reasons for the underperformance and finding ways of assisting the individual to reach the required level of performance.

During this meeting the manager and individual, with support from the individual's representative and People Team representative, will formally set down and agree an action plan covering:

- required standards and objectives for the individual's performance
- what support will be given to the individual to achieve the required improvement in performance.

At this meeting a review period will be agreed, during which the performance of the individual will be monitored. **This review period will normally be up to six weeks.** During this period the individual will be required to achieve an agreed level of performance, reaching, and demonstrating on an ongoing basis the minimum standards and / or objectives set. The length of the review period must be reasonable and will depend on the level of seniority of the post and the complexity of the responsibilities requiring improvement; whilst balancing BrisDoc's 4 focus areas.

In a job where there are few and simple tasks, a period of a few days may be reasonable, particularly where the lack of capability is in a task which is fundamental to the job and emerges in the early stages of appointment. Where the job is complex and effectiveness cannot be assessed in a short time, a review period of several weeks (up to a maximum of six weeks), may be necessary.

Subject to the performance concerns, it will also be decided at this meeting whether the individual will work supernumerary with or without direct supervision during the review period. Due to the nature of shift working within BrisDoc, it may not be possible to always accommodate

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the individual's existing shift pattern, particularly if direct supervision from another team member is warranted. However, the individual will be paid their existing salary even if they work fewer hours than their normal contracted hours during the review period. To support the individual to reach the required standards of their role, we ask they can be flexible to attend developmental shifts that may be outside of their usual shift pattern.

Second Formal Performance Management Meeting

At the end of the stage one review period, a second formal Performance Meeting will be set up.

This meeting will be chaired by the line manager, or their manager, who will normally be supported by a representative from the People team. At this meeting the individual will have the opportunity to be accompanied by an accredited trade union representative or colleague.

The content of this meeting will depend on whether the individual has achieved the required level of performance. There will be discussion and feedback at this meeting on the progress made or not made by the individual against the objectives and / or standards set. The individual and their representative will have the opportunity to give their feedback or other comments.

If the individual has met the required level of performance

The manager will thank the individual for their improvement and discuss the importance of sustaining this standard of performance. The manager will confirm that the formal managing performance process will stop, and the individual's performance will continue to be monitored as with all other individuals i.e., through the normal management arrangements, PDR, and feedback process in BrisDoc.

A written report will stay in the individual's file for 26 weeks. If performance is not maintained at a satisfactory level during those 26 weeks, the formal procedure will start again at the formal stage two Meeting level.

If the individual has not met the required level of performance

(In part or in full)

The manager will discuss with the individual reasons for this and how the individual can achieve the required level of performance in their role.

In the discussion the manager and individual, with support from the individual's representative and representative from the People team, will again formally set down and agree an action plan for a period covering:

- standards and objectives for the individual's performance

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- what support should be given to the individual to achieve the required improvement in performance

If there is a difference of opinion between the individual and their line manager on the feedback on performance it may be helpful for the meeting to be chaired by the line manager's manager or another more senior individual, who is independent of the performance management relationship. The line manager will also attend the meeting to feedback. The line manager giving feedback will also normally be supported by a representative from the People team.

At this meeting a **Stage two review period** will usually be agreed, during which the performance of the individual will be monitored (although in exceptional circumstances, the line manager has discretion to extend the stage one review period for up to an additional 2 working weeks).

This stage two review period will normally be up to six weeks. During this period the individual will be required to achieve an acceptable level of performance, reaching, and demonstrating on an ongoing basis the standards and / or objectives set. The length of the review period will be dependent on the level of seniority of the post and the complexity of the responsibilities requiring improvement; whilst balancing BrisDoc's four focus areas.

Third Formal Performance Management Meeting

After the stage two review period, a third formal Performance Meeting will be set up.

If the individual has met the required level of performance

The manager will acknowledge the improvement and discuss the importance of sustaining this standard of performance. The manager will confirm that the formal managing performance process will stop, and the individual's performance will continue to be monitored as with all other staff i.e., through the normal management arrangements, PDR, and feedback process in BrisDoc.

A written report will stay in the individual's file for 26 weeks. If performance is not maintained at a satisfactory level during those 26 weeks, then the formal procedure will start again at the Third Formal Meeting level. (The procedure will only re-commence at the second formal Advisory Meeting if the areas of underperformance are different from those identified in the previous review).

If the individual has not met the required level of performance

(In full or in part)

The individual will usually be informed at the third formal meeting that a Hearing will be set up in line with BrisDoc's Disciplinary Procedure (although in exceptional circumstances, the line

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manager has discretion to extend the Stage 2 review period for up to an additional 2 working weeks).

The details discussed and agreed in this Third Formal meeting will be confirmed in writing to the individual from the manager and copies made available to the individual's representative.

Hearing

The Hearing will be scheduled to take place asap, ideally not be less than seven working days from the date of the Third Formal Performance Meeting.

This meeting will be chaired by an appropriate senior manager within BrisDoc i.e., an Executive Director, non-executive Director, or Departmental Manager, subject to the seniority of the individual involved and the gravity of the issue. Where the hearing relates to clinical performance, the appropriate senior manager may in fact need to be an appropriate clinician, or consideration could be given to having another clinician present to validate / support the decision-making process.

The individual has the right to be represented by an accredited trade union or a work colleague of BrisDoc. The individual's line manager will normally also attend this meeting and be supported by a representative from the People team.

At this meeting the individual's manager will feedback to the chair/panel of the meeting, and to the individual and their representative, the areas where the individual has failed to achieve the acceptable level of performance as set out in the agreed standards and / or objectives. The individual and their representative will have the opportunity to ask questions and / or present their own evidence in relation to their performance.

Having heard all the evidence on the individual's performance, the chair of the meeting will decide on whether the individual's performance is below a minimum acceptable standard.

If the chair concludes that the individual's performance is below a minimum acceptable standard, they will go through the options below with the individual and their representative.

- Re-deployment to normally a more junior grade of post elsewhere in BrisDoc
- Dismissal relating to capability/suitability for the role

Redeployment

Re-deployment options for the individual will normally be considered as an alternative to dismissal relating to capability (underperformance) and suitability. Normally this will be to a different post in BrisDoc, in which it is identified that the individual will be able to perform effectively. This may require a move to a more junior post.

Where the individual refuses re-deployment, their manager (and appropriate senior manager from the hearing) will have no other alternative but to dismiss the individual with notice.

An individual for whom re-deployment is being sought in line with BrisDoc's Managing Performance Policy will not be considered "at risk" for re-deployment purposes and so will not

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be given priority status for other posts within BrisDoc. BrisDoc will however provide support to individuals in this position seeking redeployment. This support may involve advice from the People Team, where appropriate, on completing application forms and / or on interview technique / preparation.

Where an individual is redeployed in line with this policy the changes to terms and conditions will be a permanent change. There will not be any protection of pay or hours for any individual redeployed through this policy. They will receive the appropriate salary for the grade of the job into which they have been redeployed and be contracted for the hours available to that post.

Redeployment Review

A redeployment period will be set up at a review meeting (maximum of 12 weeks) during which time the individual (with the support of BrisDoc line managers and People team) will try and find suitable alternative employment. At this meeting, it will also be confirmed that should no alternative employment be found by the end of the 12 weeks, their contract of employment will be terminated.

If the individual is successful in finding redeployment during the redeployment period, a four week* trial period will commence; during which time a review meeting will be held with the appropriate line manager and representative from the People team.

If the 4 week* trial period is successful, the individual will be confirmed as successfully redeployed on the terms and conditions of that post.

If the new post is not successful during these four weeks*, the redeployment period will be resumed at the stage it was left prior to the commencement of the four weeks* trial.

**If the individual is part-time, the four-week trial period may be adjusted accordingly in order to facilitate four full weeks of the shift pattern i.e., if working a two in four-week shift pattern, an adjusted trial period of eight weeks may be appropriate.*

Dismissal

Where downgrading / redeployment has not been successful or appropriate, the contract of employment will be terminated with the appropriate notice, or payment in lieu of notice, (noting that in both cases this notice may have already been issued during the redeployment / downgrading process) relating to capability (performance) / suitability.

Appeals

An individual dismissed under BrisDoc's Managing Performance Policy has a right to appeal against that decision within five working days of the date of being notified of the decision. Any appeal must be indicated in writing to management, and the individual should state the grounds for the appeal. *(Please see Appeals section in BrisDoc's Disciplinary Procedure for further information on appeals).*

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Documentation

All meetings in line with this policy must be clearly documented and kept in the individual's personnel file. This includes noting the following details as an absolute minimum:

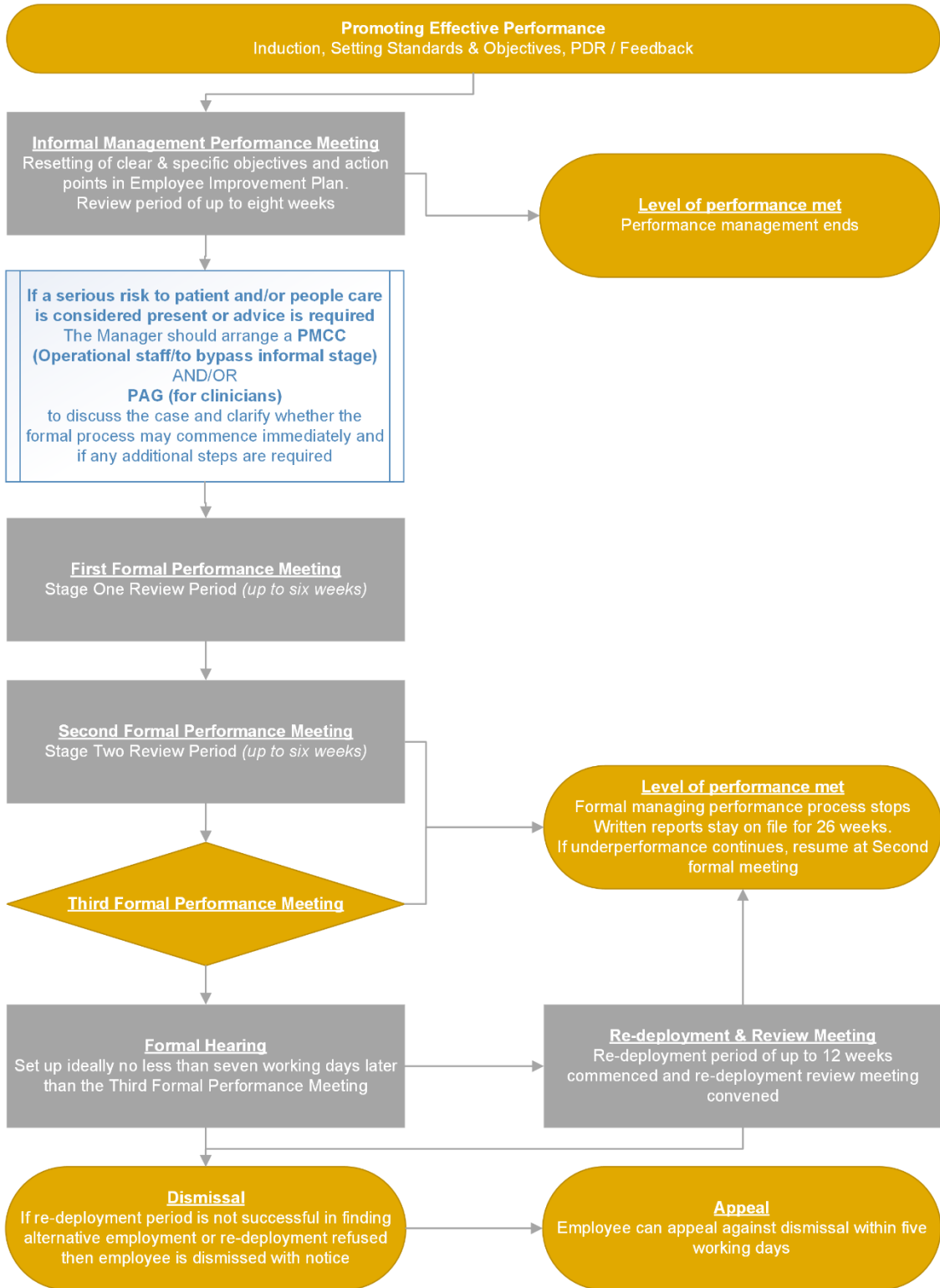
- Date of the meeting
- Who was present (including name of note-taker)
- What was discussed
- What was agreed – the action plan
- Date for the next meeting

Change Register

Date	Version	Author	Change Details
1 st Sept 2022	7.0	N Clegg	<p>Full review and update. The following changes have been made between Version 6 May 2017 and current version.</p> <p>Complete review including:</p> <ul style="list-style-type: none">• Changed any reference to HR/Workforce to People Team• Changed any reference to employee / staff to individual• Removed specific details within policy and regarding Induction & PDR policies, instead advised to refer to relevant policy.• Removed specific details within policy and Appendix regarding PAG TOR, instead advised to refer to relevant TOR.• Added new detail regarding Potential Performance Management Issue Conference Call (PMCC), advising to refer to PMCC TOR.• Appendix 1: 'Tidied' flow chart to be more readable, and to reflect performance management issue conference

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Appendix One: Managing Performance Procedure Flowchart



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Appendix Two: Improvement Plan

1. PERSONNEL DETAILS

Individual name		Job title	
Manager name		Job title	

2. PERFORMANCE ISSUES TO BE ADDRESSED

(This section should outline the performance issues to be addressed by the individual during the review period)

3. PERFORMANCE REVIEW PERIOD

Performance review period begins on _____ and ends on _____.

Interim reviews will be carried out weekly/fortnightly (*delete as necessary*) commencing on _____.

Final review will be carried out on _____ by _____.

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4. PERFORMANCE STANDARDS TO BE REACHED

Performance expectations <i>(What needs to be achieved)</i>	Actions / Tasks <i>(How is it going to be achieved – any specific training?)</i>	Performance indicators <i>(How is it going to be measured)</i>	Timeframe <i>(Action by) (up to eight weeks max)</i>

5. INDIVIDUAL DECLARATION

I understand that if I fail to meet the above performance targets within the required timeframe and without good reason that I may be subject to formal proceedings.

Individual's signature: _____ Date: _____

Manager's signature: _____ Date: _____

**Manager is responsible for diarising and completing the review(s) as well as completing the Review Outcome sheet overleaf.*

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6. REVIEW OUTCOME

Note: If the individual's performance was "below expectations" the reasons should be given in the Comments section.

Performance expectations <i>(What needed to be achieved)</i>	Comments <i>(Meets expectations / Below expectations – give reasons)</i>

Next step:

If met ALL expectations: informal review period to stop and performance monitored in line with all other staff. If underperformance commences within the next 3 months, formal proceedings will begin.

If met SOME expectations: manager's discretion used:

- Consider extending informal review period further; or,
- Refer to formal proceedings

If has NOT met expectations: refer to formal proceedings in partnership with People Team department.

Individual's signature: _____ Date: _____

Manager's signature: _____ Date: _____