

Shropshire Community Health Service NHS Trust

Policies, Procedures, Guidelines and Protocols

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3		

Policy and Procedure for Maintaining High Standards of Performance (Non Medical and Dental Staff)

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1 Introduction

This policy and procedure sets out how managers should deal with issues concerning declining or unsatisfactory work performance and provides guidance on how to encourage improvement.

It also provides a mechanism by which staff who have concerns about their own performance or ability to carry out their duties, may take a shared leadership approach and self report these to managers and so be supported towards improvement.

The procedure sets out arrangements to ensure a fair, consistent and effective approach in handling situations where individuals are not performing to the standards expected in the role due to lack of skill, knowledge or aptitude.

The Trust is committed to encouraging, engaging and supporting staff to perform to the best of their ability. Although the emphasis must be on supporting the individual to achieve satisfactory standards, the procedure must also ensure reasonable sanctions are applied when required sanctions are not met.

The stages are not intended to exclude other measures, which in any instance may be considered appropriate for the purpose of encouraging an employee to improve their performance.

2 Purpose and Scope

This policy and procedure applies to all staff other than Doctors and Dentists (for whom separate procedures apply).

The procedure does not apply to individuals employed by agencies or other contractors. Performance and capability issues for these individuals must be referred to the appropriate employer and where appropriate, the individual removed from working within the Trust.

This procedure does not apply to matters relating to:

- Misconduct, unacceptable behaviour, wilful or serious negligence. These are covered in the Trust's Disciplinary Policy and Procedure
- Capability issues where they arise from an individual's ill health or disability. Such issues may be managed under a range of policies including:
 - Managing Attendance at Work
 - Equality & Diversity Policy

3 Principles

3.1 Management responsibilities

Managers are responsible for setting and making sure their employees are aware of the standards of performance expected of them. This should be through the use of:

- The job description and person specification
- The KSF full and foundation outline (if applicable)
- By appraisal and supervision
- Through informal feedback
- Policies, Protocols, Guidelines and professional codes of conduct and performance
- Appropriate mandatory or other training
- By notification and instruction from the line manager/supervisor
- Unwritten implicit standards

This list is not exhaustive.

Line Managers are also responsible for ensuring employees are competent to undertake the duties and tasks required of them. Any shortfall in performance should be pointed out to the employee concerned and consideration given as to whether this is due to inadequate instruction, training supervision or some other failing outside of the employee's control.

For registered staff, Line Managers in conjunction with Human Resources need to consider the need to refer to the registered body.

Line Managers are responsible for confirming discussions in writing and recording the relevant information on the employee's personal file.

3.2 Employee responsibilities

All employees have a responsibility to:

- Strive to achieve the standards of performance required by the Trust
- Use their best endeavours and skills to help the Trust achieve its objectives
- Carry out the reasonable instructions/requests of Line Managers
- Notify their Line Manager if they are not competent to undertake the duties required of them
- Ensure their skills and abilities are kept up to date and undertake additional training to ensure they can maintain performance

This list is not exhaustive.

3.3 Human Resource responsibilities

A Human Resources (HR) representative should be consulted before any formal action is taken in accordance with this procedure. The role of HR includes advice and assistance to managers on matters relating to performance management and to ensure reasonable action is taken.

3.4 Performance Review and Development

The Trust's appraisal system provides a systematic method of regularly reviewing an individual's performance in a role; and assesses their training and development needs within the role. Line Managers and employees are reminded that the use of the KSF system is mandatory for all Agenda for Change roles.

The Trust also has a Supervision Framework which sets out the process for regular meetings where issues and difficulties can be raised and solutions agreed.

4 Procedure

If the nature of the concerns or unsatisfactory work performance are serious this policy can be instigated at any stage of the procedure in consultation with Human Resources.

4.1 Informal Action

Most routine concerns about performance are best resolved informally in discussion with the employee and their Line Manager. Dealing with performance management in this way can lead to the speedy resolution of problems.

Where an individual fails to reach the required performance standard, the prime responsibilities for addressing the problem lies with the Line Manager.

Where performance fails to meet the required standard, or where an individual self-refers concerns about their own performance or ability to carry out their duties, Line Managers should meet with the individual without delay, clarify in what way current performance fails to meet the required standard and explain the standards required. This meeting should be documented.

In all cases, the cause of unsatisfactory work performance should be investigated by the Line Manager with the individual being asked for an explanation and any explanation checked. The Line Manager should also consider whether any shortfall is due to unreasonable expectation or lack of

proper explanation on their part and whether performance might be improved by suitable training, development or improved supervision.

When the reason for the unsatisfactory work performance is a lack of the required skills, the employee should be assisted by the provision of appropriate development, training or guidance and given reasonable time to reach the required standard.

In most cases, it is expected that shortfalls in performance will be temporary and informal action (as set out above) will be sufficient to enable the individual to attain and maintain the required standards. The approach will therefore be one of support and constructive feedback, with a focus on development.

4.2 Formal Action – Stage 1

Where initial action fails to result in the required improvement, or where the failure is sufficiently serious, the Line Manager should meet formally with the individual and set out the following (which should be confirmed in writing after the meeting see example letters at appendix 3):

- The performance problem (s)
- The improvement that is required/standard to be achieved
- The timescale for achieving this improvement
- A review date and
- The support to be provided to enable the individual to improve
- The consequences for the individual if they fail to meet the required standard within the specified timescale.

At this stage, the Line Manager may wish to use a Performance Improvement Plan (PIP) - to set out what is required (see Appendix 1)

The individual should be advised prior to the meeting of their right to be supported by a staff side (Trades Union) representative, professional organisation representative or a work colleague. A HR representative will also attend the meeting.

Where an individual shows the required improvement, the Line Manager should confirm this positively to the individual, both orally and in writing. The need for any continued support should also be assessed and agreed so as to enable the improved performance to be maintained. This should be monitored.

Where an individual fails to meet the required standard, the Line Manager will invite the employee to a meeting to explain the failure and the next steps. The Line Manager may decide to extend the existing arrangements (for example, by providing further support or training) or may decide to move the matter to Stage 2.

4.3 Formal Action – Stage 2

Where Stage 1 has failed to achieve the required improvement, or where an incident is so serious as to warrant immediate action under Stage 2, then a formal meeting at Stage 2 of the procedure will be convened with the individual, the Line Manager and a representative of the HR department. The individual will be entitled to be supported at this meeting by a staff side (Trades Union) representative or a work colleague. The purpose of this meeting will be to review the action taken to date to support the individual and to determine what further action is required to resolve the situation.

At the meeting, the Line manager will review evidence (supported by documentation) of:

- The standards required
- The level of performance achieved
- The Performance Improvement Programme agreed and evidence of implementation (this may not be available in cases so serious as to warrant immediate action).

Following this review, the Line Manager may issue a final formal warning that the individual's performance is not acceptable and must improve. Further support, development or training may be offered, but this should be restricted to a period of no more than three months. Progress must be carefully monitored during that period.

The individual must be advised that failure to achieve the required standard within the specified time frame is likely to result in termination of employment unless an alternative option can be agreed.

At the end of this review period, a further formal meeting will be arranged to assess progress.

If performance has improved to the required standard, this will be confirmed to the individual.

If during this period, the individual's performance still does not meet the required standard, they will be notified of this in a meeting and the matter will progress to Stage 3 of the procedure.

The outcome of all meetings must be confirmed in writing to the individual.

4.4 Formal Action – Stage 3

Where, following a further period of support, development and training, the individual's performance still does not meet the required standards; or where an incident is so serious as to warrant immediate action under Stage 3, a meeting should be convened with the individual, the Line Manager who dealt with the matter at Stage 2; the Head of Service/Deputy Director or Director for the appropriate area and a representative from HR. The individual will be entitled to be supported at this meeting by a staff side (Trades Union) representative or a work colleague.

At the meeting, the Head of Service/Deputy Director or Director for the appropriate area will review evidence (supported by documentation) of:

- The standards required
- The level of performance achieved
- The Performance Improvement Programme agreed and evidence of its implementation. (this may not be available in cases so serious as to warrant immediate action)

Following this review, the Head of Service/Deputy Director or Director for the appropriate area may decide to extend the period of support, development or training; or (where no previous support programme has been offered – for example in serious cases as identified above), offer a period of support, development or training.

Alternatively, the Head of Service/Deputy Director or Director for the appropriate area may consider redeployment or issue formal notice to terminate the individual's employment, in accordance with their contract of employment.

Redeployment to an alternative post does not necessarily have to be to an equivalent post. This must be where a vacancy exists and where it is reasonable to expect that the individual will be able to perform to the standard required immediately and without a further period of training. (Where other individuals are on the 'at risk' register and wish to be considered for the same post, appointment will be by competitive interview).

They may be given the opportunity to retain the individual in their existing role but modifying the requirements and re-banding the post to accommodate the abilities of the individual (this option may only be considered if the revised post will have no adverse affect on service).

If neither option identified above can be accommodated, there will be no option other than to terminate the employee's employment.

Where an individual is redeployed to an alternative post, or retained in a modified role, this will constitute a permanent change and the individual will be employed on the terms and conditions applicable to that role. Protection of pay will not apply in these circumstances.

5 Appeal

An employee has the right of appeal against dismissal under this procedure. The right shall be stated in the letter giving notice of termination of employment. If an employee wishes to exercise this right, they should write to the designated manager, setting out the grounds for appeal not later than fourteen (14) calendar days after the receipt of the letter confirming the action taken.

The person to whom the appeal should be addressed will be as stated in the letter of termination, typically the next level of management. This person will have had no previous involvement in the case at this stage of the procedure.

The purpose of the appeal hearing is not to re-hear the case. It is to review the decision taken by the manager and to assess whether this was appropriate on the evidence presented. Thus the appeal hearing will consider

- why the employee considers the decision unfair or unreasonable and
- the rationale and justification for the decision of the manager taking the action.

New evidence, not initially available may be presented but should be made available to the Chair of the appeal panel as soon as practicable.

The appeal is the final stage of this procedure.

6 Performance Improvement Plans (PIP's)

A PIP is a tool which can be used in any case where a performance problem is identified. Sub-standard performance can be dealt with on an informal or formal basis and PIP's can be used in both situations. A PIP pro-forma is attached at Appendix A.

The use of a PIP provides an effective process for the monitoring of under-performance. The PIP provides a mechanism for clarifying performance expectations but also for demonstrating that the Trust has acted reasonably in the way it is managing the performance problem.

A PIP outlines a number of specific, required actions designed to help the individual attain the required standards. It should normally be agreed with the individual with feedback on the individual's current performance being provided via review meetings at fortnightly intervals (or other agreed review period).

The period of time taken to implement a PIP will depend on the nature of the underperformance and the training required but should normally take no longer than three months.

A PIP may be used at the informal and formal stages of this procedure to assist the individual in improving their performance.

PIP's are an obvious tool to use following an unsatisfactory appraisal or where an individual fails to achieve the standard required to pass through a KSF gateway (use in accordance with Knowledge and Skills Framework). In such cases it is essential that the individual's performance be regularly monitored and the PIP period should not necessarily be restricted to quarterly formal monitoring. A formal review could be initiated at any time with prior notice to the individual concerned.

7 Records

At all stages, records detailing the nature of the meetings and the actions taken to try and resolve the performance issue should be maintained.

8 Related Documents

The following documents contain information that relates to this framework:

- Disciplinary Policy and Procedure
- Equal Opportunity Policies and Procedures

9 Dissemination

These guidelines will be disseminated by being published on the Website and awareness raising by HR and formal staff side representatives.

10 Advice

Advice on this policy should be sought in the first instance from HR.

11 Review and Monitoring

This procedure will be periodically reviewed (at least every 3 years) in light of any developments in employment legislation or employee relations' practice and, if necessary, revised in order to ensure their continuing relevance and effectiveness. Any amendments will be introduced only after consultation with staff-side Representatives.

Incidents arising under this policy will be monitored by HR in accordance with the Trust's Equal Opportunities Policy and Single Equality Scheme.

Appendix 1 – Performance Improvement Plan (PIP)

Name of Employee: _____

Effective Date: _____

	KSF ref	Area of Work	Specific Activity	Standard required	Support Provided	Employee Action
1						
2						
3						
4						
5						

Signed: _____ (Manager)

Date: _____

Signed: _____ (Employee) Date: _____

Appendix 2 – Review of Performance Improvement Plan

	Review 1	Review 2	Review 3	Review 4	Review 5	Final Review
1						
2						
3						
4						
5						

Signed: _____ (Manager) Date: _____

Signed: _____ (Employee) Date: _____

Appendix 3

STAGE 1

Example Letter - setting out shortfall in performance and arranging meeting to discuss issues

Private and Confidential

Name

Address

Date

Dear

[date and time] of meeting, venue

I write to arrange a meeting with you on the above date, to discuss the concerns I have that you are not performing to an acceptable standard in the position of *[job title]*. You are most welcome to bring with you to the meeting a staff-side Representative, or colleague. *[Name]*, from Human Resources will also be present.

As you know we have discussed these concerns before and as there has been no discernable improvement I told you that I would be proceeding under the Policy and Procedure for Maintaining High Standards of Performance (non Medical).

The areas where I believe you are falling short of what is expected of you relate to:

[state reasons for meeting; describe how the employee is failing to deal adequately with the work; be as specific as possible; in absence of any precise standards which can be quoted, give the reasons for the Manager's dissatisfaction with the employee's performance and how the employee is falling short of the requirements of the job]

At our meeting, we will be able to explore the reasons why you are not working to the required standards. We will review your job description and work load and ensure that you are aware of what is required of you and confirm that you have received sufficient and appropriate training and support to undertake the duties of your post. We can also discuss any other work-related or personal difficulties that may be affecting your performance and look at what help and assistance we can provide wherever possible. We can then agree a course of action to help you improve your performance to a satisfactory level.

For your information, I enclose a copy of the Trust's Policy and Procedure of Maintaining High Standards of Performance and, as you will see, this meeting is Stage 1 of the procedure. Accordingly, this Policy and Procedure provides a fair and effective procedure to enable management to respond to unsatisfactory performance by an employee at work.

The stages of the procedure are not intended to exclude other measures which may be considered appropriate for the purpose of encouraging someone to improve their performance, but they do provide the employee with opportunities to hear how and why your performance is considered unsatisfactory. The employee also has opportunities to offer any explanation about this which you wish to put forward and to be clear about the nature of improvements that are required.

If you have any queries please do not hesitate to contact me.

Yours sincerely

Line Manager

cc Personal File; HR representative

STAGE 1

Example Letter Second letter – confirming discussions at first meeting and the remedial action agreed

Private and Confidential

Name

Address

Date

Dear

Meeting [date]

I am writing to confirm our discussions at the above meeting, *[at which your staff-side representative/colleague/HR was present]*. At our meeting we looked at the reasons for the shortfall in performance that is required of you in your position as *[job title]*.

record meeting here

[reiterating why the manager thinks the employee is not performing satisfactorily, noting whether or not the employee accepted that there is a problem and, if so, was he or she responsive to constructive moves and suggestions to aid improvement (the discussion at the meeting should try and unearth any problems, the factors contributing to the difficulties of performance should be explored, possible solutions identified and discussed and an action plan agreed to help the employee to overcome the problems (e.g. training, support, supervision, general assistance, encouragement, monitoring outcomes and subsequent discussion of progress) all these discussions should be recorded in this letter]

The action plan we have agreed for improvement over the next *[time scale, e.g. 3 months]* is attached.

[please note monitoring and supervision should be by someone skilled in the work which the employee has been employed to do]

We also agreed that during this x weeks/months period we would meet to review your progress on the following dates *[generally if the review period is for 3 months, have progress review meetings monthly]*.

After this period of review we hope that the problem(s) will be rectified. However, you must be aware that should there be no satisfactory improvement in your performance, I will have no alternative but to move to Stage 2 of the Policy & Procedure for Maintaining High Standards of Performance (non Medical), which is a meeting with someone from Human Resources present, together with your Staff-side Representative, or colleague.

You should also be aware that, if an employee fails to improve in performance they will receive a written warning and, if the employee still fails to improve within a reasonable time and sustain improvement, the employee's post may be at risk.

I do hope that the course of action we have agreed will prove successful and that you will be able to undertake your current role to the level of performance required. If you have any queries or particular difficulties please contact me at the earliest possible opportunity.

Yours sincerely

Line Manager

cc Personal File; HR representative

STAGE 1

Example letter - where there is a satisfactory level of improvement following a reasonable period given for improvement

Private and Confidential

Name

Address

Date

Dear

Performance Review

I am writing in connection with the action plan we agreed at our meeting held on [date], confirmed to you in my letter of [date]. As you know from our last progress review meeting, I am pleased with the progress that you have made over the past [-weeks/months] and to record that you have reached a satisfactory level of performance.

The additional training/support [*or whatever action/help was taken or given*] appears to have been helpful and should enable you to sustain the improvement. We agreed that the following measures would remain in place to support your performance [include measures] for a period [include agreed period].

If, after time, there is a failure to sustain a satisfactory level of performance, the process under stage 1 of the Maintaining High Standards of Performance Procedure will be repeated, however, the period of time allowed for improvement may not be the same as previously.

However, I hope that you will continue to improve and develop in your current role. If you have any queries or particular difficulties please contact me at the earliest possible opportunity.

Yours sincerely

Line Manager

cc Personal File; HR representative

STAGE 1

Example letter - where there is no satisfactory improvement in performance following a reasonable time given for improvement and any other training/support agreed.

Private and Confidential

Name

Address

Date

Dear

Performance review

I am writing in connection with the action plan we agreed at our meeting held on [date], confirmed to you in my letter of [date]. As you know from our last progress review meeting that, despite the action programme set up to help you reach a satisfactory level of performance, your performance still falls short of the standards required to undertake the duties of your post of [job title].

(state reasons why standards not satisfactory)

Accordingly, you are required to attend a meeting under Stage 2 of the Trust's Policy and Procedure on Maintaining High Standards of Performance, at which you are invited to bring with you your Staff-side Representative or colleague.

The meeting will be held on [date and time] and [venue] and I will be supported by [name] from the Human Resources Department.

At this meeting we will discuss the reasons for your failure to improve. You will have an opportunity to put forward an explanation and once more we will look at how we can address the difficulties and agree a remedial action programme, at the same time it will be decided whether or not to issue a Written Warning. I would reiterate that your post of [job title] may be at risk if satisfactory performance is not achieved and sustained.

If this date and time is inconvenient please contact *me* [or please contact my office [secretary]] and a mutually convenient date and time can be arranged.

Yours sincerely

Line Manager

cc Personal File; HR representative

At the Stage 2 meeting, the employee should be reminded of the earlier informal discussions and of the steps taken to encourage improvement and be told as precisely as possible of the complaints about their performance. The employee

should also be informed at the interview that their job may be at risk if satisfactory performance is not achieved and sustained.

STAGE 2

Example letter - where reason/explanation given by the employee why performance has not improved is acceptable

Private and Confidential

Name

Address

Date

Dear

Meeting *[date]*

I am writing to confirm our discussions at the above meeting, at which *[name]* your Staff-side Representative and *[name]* from the Human Resources Department were present.

At this meeting we discussed your failure to improve and considered your reasons for this.

record meeting here

[at the formal interview the employee should be reminded of the earlier informal discussions and of the steps taken to encourage improvement and be told as precisely as possible of the complaints about their performance. The employee should be informed at the interview that their job may be at risk if satisfactory performance is not achieved and sustained – all these discussions should be recorded in this letter]

Your explanation for not improving your performance over the *last [period of time given for improvement]* is acceptable, however we agreed that we would continue to supervise and monitor your progress for a further *[timescale, e.g. 3 months]*. The remedial action we have agreed is attached.

[please note monitoring and supervision should be by someone skilled in the work which the employee has been employed to do]

We also agreed that during this x weeks/months period we would meet to review your progress on the following dates *[generally if the review period is for 3 months, have progress review meetings monthly]*.

After this further review period we hope that the problem(s) will be rectified. However, you must be aware that should there be no satisfactory improvement in your performance you will be required to attend a formal review session with *[name and title, e.g. Head of Service]* under Stage 3 of the Policy and Procedure for Maintaining High Standards of Performance.

As explained to you at our meeting, if you continue not to have the necessary skills to carry out the duties of a *[job title]*, the Trust will have no alternative but to attempt to re-deploy you on other duties which may be on a lower pay grade. If no suitable opportunities are available your employment may have to be terminated.

I do hope that the remedial action we have agreed will prove successful and that you will be able to undertake your current role to the level of performance required. If you have any queries or particular difficulties please contact me at the earliest possible opportunity.

Yours sincerely

Line Manager

cc Personal File; HR representative

STAGE 2

Example letter with Formal Written Warning where reason why performance has not improved is unacceptable

Private and Confidential

Name

Address

Date

Dear

Formal Written Warning

I am writing to confirm our discussions at the meeting held on *[date, time, venue]*, at which *[name]* your Staff-side Representative and *[name]* from the Human Resources Department were present.

I confirm I informed you at the meeting that, despite being made aware of the minimum acceptable standards of performance and having received *[additional training/support/help]* during the period your performance was under review, your performance continues to fall below what is acceptable in the position of *[job title]*.

In accordance with the Trust's Policy and Procedure for Maintaining High Standards of Performance, this letter is issued as a Formal Written Warning under stage 2 of that procedure. You were also informed that unless your performance meets the minimum standards acceptable to the Trust within the next *[-- weeks/months]* that a formal review session under stage 3 of this Procedure would be held. You should be aware that one of the outcomes of the formal review session could eventually lead to dismissal.

At the meeting held on *[date]* we considered the reasons for the shortfall in your performance.

record meeting here

[at the formal interview the employee should be reminded of the earlier informal discussions and of the steps taken to encourage improvement and be told as precisely as possible of the complaints about their performance. The employee should be informed at the interview that their job may be at risk if satisfactory performance is not achieved and sustained – all these discussions should be recorded in this letter]

The action plan we have agreed for improvement over the next *[time scale, e.g. 3 months]* is attached

[please note monitoring and supervision should be by someone skilled in the work which the employee has been employed to do]

We also agreed that during this x weeks/months period we would meet to review your progress on the following dates *[generally if the review period is for 3 months, have progress review meetings monthly]*.

This formal written warning has been placed on your file and I hope you will take the necessary steps to achieve the improvement required. If you are in any doubt as to the standards of work required of you, please discuss this with *[me/your supervisor/line manager/or appropriate contact]*.

Yours sincerely

Line Manager

cc Personal File; HR Advisor

STAGE 2

Example letter where there is no satisfactory improvement in performance following a reasonable time given for improvement

Private and Confidential

Name

Address

Date

Dear

Stage 2 Performance review

I am writing in connection with the action plan we agreed at our meeting held on [date], confirmed to you in my letter of [date]. As you know from our last monitoring review meeting that, despite the action programme set up to help you reach a satisfactory level of performance, your performance still falls short of the standards required to undertake the duties of your post of [job title].

(state why and how standards fall short of acceptability)

Accordingly, you are required to attend a formal review session under Stage 3 of the Trust's Policy and Procedure for Maintaining High Standards of Performance, at which you are invited to bring with you your Staff-side Representative or work colleague.

The meeting will be held on [date and time] and [venue] with [name and title – Service Head] and [name] from the Human Resources Department will be present.

At this formal review session all the circumstances will be taken into account and the reasons and your explanation for your failure to improve will be fully considered, before a decision whether or not to allow further time for improvement, backed by a further warning, is taken. Alternatively, if it is considered that any improvement in your performance is insufficient for you to be regarded as capable of doing the post of [job title], then alternative employment may be looked at. Alternative employment may not necessarily be equivalent to your current post. You should be aware, however, that one of the outcomes of the formal review session could be dismissal.

If this date and time is inconvenient please contact me [or please contact my office [secretary]] and a mutually convenient date and time can be arranged.

Yours sincerely

line manager

cc Personal File; HR Advisor

STAGE 2

Example letters *where there is a satisfactory level of improvement following a reasonable period given for improvement*

Private and Confidential

Name

Address

Date

Dear

Stage 2 Performance Review

I am writing in connection with the action plan we agreed at our meeting held on [date], confirmed to you in my letter of [date]. As you know from our last progress review meeting, I am pleased with the progress that you have made over the past [-weeks/months] and to record that you have reached a satisfactory level of performance.

The additional training/support *[or whatever action/help was taken or given]* appears to have been helpful and should enable you to sustain the improvement. If, after time, there is a failure to sustain a satisfactory level of performance, the process under stage 2 of the Capability Procedure will be repeated, however, the period of time allowed for improvement may not be the same as previously and a Written Warning may also be given.

However, I hope that you will continue to improve and develop in your current role. If you have any queries or particular difficulties please contact me at the earliest possible opportunity.

Yours sincerely

line manager

cc Personal File; HR Advisor

STAGE 3

Example letter confirming discussions at the formal review session (written by Service Head) where further time for improvement is given

Private and Confidential

Name

Address

Date

Dear

Stage 3 Formal Review Session [date]

I am writing to confirm our discussions at the above meeting, at which [name] your Staff-side Representative and [name] from the Human Resources Department were present.

You have failed to respond to additional training and support during the period your performance has been under review and, despite a formal written warning, your performance still fails to meet the requirements for the position of [job title].

We discussed your failure to improve and considered your reasons for this in great detail at our meeting and you could not give a satisfactory explanation for your continued failure, despite your assurances of sustained effort in the past.

(record meeting here)

Having fully considered the circumstances there is no alternative other than to issue you with a further formal written warning that, unless your performance improves to an acceptable standard within [weeks/months] and is sustained thereafter, this stage (3) of the Policy and Procedure for Maintaining High Standards of Performance will be repeated, which could eventually lead to your dismissal.

In the meantime, your line manager [or as appropriate] will continue to give you all the help and guidance possible to assist you and I do hope you achieve the requirement improvements.

Yours sincerely

Head of Service

cc Personal File; HR Advisor

STAGE 3

Letter regarding re-deployment (written by Service Head/Deputy Director or Director)

Private and Confidential

Name

Address

Date

Dear

Stage 3 Formal Review Session [date]

I am writing to confirm our discussions at the above meeting, at which [name] your Staff-side Representative and [name] from the Human Resources Department were present.

At the meeting you were informed that you have failed to respond to additional training and support during the period your performance has been under review and, despite a formal written warning, your performance still fails to meet the requirements for the position of [job title].

We discussed your failure to improve and considered your reasons for this in great detail at our meeting and you could not give a satisfactory explanation for your continued failure, despite your assurances of sustained effort in the past.

(Summarise meeting)

At the meeting, we agreed that you would continue to have difficulty in achieving and maintaining the required standard of performance, despite a considerable amount of [training/supervision/support (state what help has been given)]. It was further agreed that alternative employment should be [sought/found] for you and you were advised that this may not necessarily be equivalent employment. If no alternative employment is available, or acceptable to you, your employment with the Trust may have to be terminated under the terms of the Policy and Procedure for Maintaining High Standards of Performance.

If, however, alternative employment is found that is acceptable to you, you are aware that you will revert to the terms and conditions attached to the alternative post.

May I wish you every success in whatever new position you undertake.

Yours sincerely

Service Head/Deputy Director

cc Personal File; HR Advisor

STAGE 3

Letter of dismissal (written by Service Head) (only consider dismissal as a last resort and then only after alternative employment has been explored)

Private and Confidential

Name

Address

Date

Dear

I am writing to confirm our discussions at the Formal Review Session held on *[date]*, under stage 3 of the Trust's Policy and Procedure for Maintaining High Standards of Performance, at which *[name]* your Staff-side Representative and *[name]* from the Human Resources Department were present.

You have failed to respond to additional training and support during the period your performance has been under review and, despite a formal written warning, your performance still fails to meet the requirements for the position of *[job title]*.

We discussed your failure to improve and considered your reasons for this in great detail at our meeting and you could not give a satisfactory explanation for your continued failure, despite your assurances of sustained effort in the past.

(record meeting here)

It is with regret that I believe, after carefully deliberation of all the circumstances, that you have not made sufficient improvement to be regarded as capable of being able to carry out the post of *[job title]* to a satisfactory standard required. Accordingly it was decided that additional time for improvement, or further warnings would be of no avail and alternative employment was offered to you. This offer was made to you in my letter of *[date]* and discussed at our meeting on *[date]*. It was explained to you that the consequences of refusing this offer was termination of employment.

You informed me on *[date]* *[verbally or by letter]* that you did not want to take up the offer of alternative employment of *[post offered]*. This letter, therefore, is formal confirmation that you are given *[- weeks]* notice of dismissal from *[date]* and your employment with the Trust will end on *[date]*. All outstanding pay and accrued holiday entitlement will be paid through the payroll as usual at the end of the month.

or

This letter therefore is formal notice that your employment with the Trust will end from *[date]*. You will be paid £-- as compensation in lieu of the remuneration to which you would have been entitled under your contract of employment to receive during your period of notice. This compensation is paid to you for the immediate

termination of your contract of employment without the opportunity to work your notice period. All outstanding pay and accrued holiday entitlement will be paid through the payroll as usual at the end of the month.

You have the right to appeal against this decision. If you wish to exercise this right of appeal, your appeal should be in writing, addressed to *[name]* Director of *[Directorate]*, *[address]*. Your written notice should state the grounds for your appeal and be made within 14 days (including Saturdays and Sundays) upon receipt of this letter.

Yours sincerely

Service Head/Deputy Director

cc Personal File; HR Advisor