

Managing Work Performance and Capability Policy

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VERSION HISTORY

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1. Introduction

- 1.1. The Managing Work Performance Policy applies to the following individuals in accordance with all legal requirements and ACAS guidance:-
- 1.2. All staff directly employed by NHS Coventry and Warwickshire Integrated Care Board ('the ICB').
- 1.3. Individuals covered by a letter of authority, honorary contract or Work Experience agreement who undertake duties on behalf of the ICB and where the policy explicitly applies within their document of engagement
- 1.4. Agency workers are required to abide by the ICB's policies and procedures to ensure their health, safety and welfare whilst working for the ICB. Whilst they are not covered by this policy, any performance issues which would otherwise be dealt with under this policy will be raised with their relevant employing agency in order that consideration may be given by the agency to applying their own performance management measures as appropriate.
- 1.5. The ICB has the right and responsibility to establish their requirements in standards of work to be achieved by its staff, so long as these are realistic and clearly defined. In order to fulfil this responsibility the ICB will ensure that individual employees' work is monitored fairly.
- 1.6. The ICB is committed to valuing all of its employees and will encourage them, through guidance, training and development, to achieve their full potential on a consistent basis. Where there is an identified failure in performance, the ICB will, as part of the process of encouragement and support, discuss with the employee the reasons giving rise to that situation. Formal action in line with the principles and procedure outlined below may follow if the employee fails to meet the agreed performance levels.
- 1.7. This policy should be read in conjunction with the ICB's Performance Development Review Framework which outlines the process and annual framework for objective setting, monitoring and appraisals. That policy also confirms the linkage between that framework and process with the "Framework Agreement on the Reform of the NHS Pay Structure for employees employed on Agenda for Change terms and conditions", agreed and issued in July 2018. This sets out a three-year agreement covering the years from 1 April 2018 to 31 March 2021, and places appraisal and personal development at the heart of pay progression, to support staff to develop their skills and competences in each pay band and be rewarded appropriately.
- 1.8. In particular, where problems with an employee's performance are identified, they should be discussed with the individual by their line manager as soon as possible, and actions with clear timescales identified and agreed to address them. Such conversations must not be delayed until a formal appraisal, and equally, discussions around performance issues which affect pay progression must not be initiated at formal appraisals. These issues should be raised separately by the line manager, informally in the first instance, but under the auspices of the Managing Work Performance policy.

2. Principles

- 2.1 During employment adequate training and encouragement are essential to help achieve satisfactory performance. This will mean that regular discussions about performance will take place between employees and their managers. During these discussions managers will attempt to coach and develop employees and as such may set performance or behavioural targets for employees in an attempt to encourage improvements, without the recourse to formal procedures.

- 2.2 Where the performance of an employee is affected by a disability, as defined in accordance with the Equality Act 2010, reasonable adjustments will be considered in any aspect of work arrangements to support the employee in their performance at work.
- 2.3 Equally, employees themselves have a personal responsibility to ensure that they commit sufficient personal effort to achieve and maintain the standards defined for them.
- 2.4 Managers with responsibilities for performance management will receive the appropriate training to help them understand their role and manage performance effectively. This will include guidance on the objectives of performance management and how the policy should operate.
- 2.5 All objectives must be specific and clear; measurable; achievable by the employee within the agreed timescale; and timely i.e. relevant to the period to which they relate. Discussions at objective setting meetings should focus on these aspects, as well as the detail in terms of content, scope and reporting/monitoring arrangements relating to each objective. The same principles should apply when agreeing corrective actions where problems with performance are discussed.
- 2.6 This policy and procedure will be implemented where the manager considers that an employee is failing to achieve and maintain defined standards of work, identified at least initially as being due to reasons of capability (i.e. competency). Where a formal hearing is necessary once the informal and initial formal processes have been exhausted, this will be arranged and heard in accordance with the arrangements contained in the Disciplinary Policy but heard as a Capability Review Meeting. Issues regarding misconduct, (including allegations of negligence, where the actions by the individual appear not to be due to competency issues), will be addressed under the Disciplinary Policy. If there is any doubt over the appropriate HR policy to apply, advice should be obtained from the ICB's HR Advisers.
- 2.7 Employees are entitled to be accompanied at all formal meetings by a Trade Union Representative or work colleague.
- 2.8 The employee may not insist on being accompanied by a colleague whose presence would prejudice the meeting under the policy, or who might have a conflict of interest. It would also be unreasonable for an employee to ask to be accompanied by a colleague from a remote location when someone suitably qualified was available on site. Should there be any dispute regarding the chosen companion that cannot be resolved, the matter will be escalated to the Human Resources Business Partner.
- 2.9 The employee will have the right of appeal against any sanctions issued in the formal stages of the procedure, or decisions taken by a Capability Review Meeting Panel, in line with the arrangements outlined in the Disciplinary Policy. In either case, the arrangements for Appeals will be as outlined under Section 7 of the ICB's Disciplinary Policy. Where the employee believes that the Managing Work Performance Policy has been applied inappropriately or unfairly, they may raise any issues under the Grievance Policy.
- 2.10 Members of staff may seek support or advice should they need it from Occupational Health, or from the Counselling service available through the Employee Assistance Programme, at any time during the application of this policy. Contact details are available from their line manager, HR or the ICB's intranet.

3. Responsibilities

3.1 Line Manager Responsibilities

- To ensure that employees are aware of the Managing Work Performance Policy

- To be clear with employees, through informal and formal (appraisal) discussions the standards of performance expected within each individual's role.
- To ensure that the informal stage is used to identify performance issues and help the employee to improve performance prior to any formal action being taken.
- To involve an appropriate HR Adviser where the formal stages under this policy may be applied; otherwise to obtain HR advice as necessary at any time.
- To keep appropriate written documentation relating to all discussions and actions taken under this policy.

3.2 Employee Responsibilities

- To be responsible for their own work performance.
- To take any actions agreed with their line manager to ensure that they commit sufficient personal effort to achieve and maintain the standards defined for them.
- To engage with any action taken in line with the policy, including attendance at informal and informal meetings under this policy as required.
- To arrange their own representation/support for formal meetings.

3.3 Human Resources Responsibilities

- To assist managers in the fair and consistent application of the policy.
- To provide advice to employees and managers concerning individual performance issues.
- To support line managers through the formal process under this policy as necessary, including presenting the management case at a disciplinary hearing should the process reach that stage.

3.4 The following scheme of delegation has been developed relating to the management of each stage of the Managing Work Performance Policy. Exceptionally, at the informal stage there may be circumstances where a deputy is given delegated authority to act in place of the designated officer, or alternatively, if necessary and appropriate, the line manager's direct manager may undertake the informal process. The designated officer should consult with Human Resources at each stage. In exceptional circumstances an HR Advisor or other senior manager may be asked to accompany the line manager at the informal stage, but where this occurs, the employee should have the right to be accompanied by their trade union representative or a work colleague if they wish.

Informal procedure	The employee's Line Manager	See paragraphs 5.1 to 5.8
Formal procedure (outside the Disciplinary Policy and procedure)	Line manager or equivalent level manager from elsewhere within the ICB or the line manager's direct manager if the line manager has been previously involved or implicated	See paragraphs 5.9 to 5.13
Formal procedure under the Disciplinary Policy	See the Scheme of Delegation within the Disciplinary Policy	Disciplinary Policy Section 4

4. Procedure

Informal Procedure

- 4.1 In the first instance where there is an identified failure in performance, an employee's line manager should meet the employee on a one to one basis and bring this to the attention of the individual. The manager must provide specific examples of performance shortfalls and detail what actions are necessary to meet the required standards. The manager must clearly restate the standard that is required and give the employee an opportunity to discuss any training or support e.g. counselling and mentoring, required to improve their performance to reach the required standards.
- 4.2 It is important to provide the employee with an opportunity to express their opinion and for the Line Manager to consider any external factors which may be contributing to the poor performance. If during the discussion the employee declares that they have a disability or underlying health condition which may be affecting their performance, the manager should refer the individual to Occupational Health, in line with the Absence Management policy, to obtain necessary advice, particularly as to what, if any, reasonable adjustments might be necessary to help the individual meet the relevant work standards.
- 4.3 During the informal meeting, the manager must consider and agree the following with the employee:
- The standards to be achieved
 - A realistic timescale for improvements to be reached
 - Details of any support or training
 - Provision for regular monitoring meetings (minimum of fortnightly)
 - Details of how performance should be measured
- 4.4 The timescales for improvement must be reasonable and fair, and agreed by both parties, but will generally be between one and three months. In considering what is a reasonable timescale for improvement to occur, managers should consider the nature of the post, the extent to which the employee is functioning below the expected standard, and the type and extent of any training and support required.
- 4.5 The outcome of the meeting will be confirmed to the employee in writing within seven days of the informal discussion meeting taking place. Once the confirmation has been received by the employee, any discrepancies in the content must be brought to the attention of the manager within five working days.
- 4.6 During the informal stage of the Managing Work Performance policy employees do not have the statutory right to be accompanied by a Trade Union representative or workplace colleague. However, where an HR Advisor or other senior manager is asked to accompany the line manager at the informal stage, the employee should have the right to be accompanied by their trade union representative or a work colleague if they wish.
- 4.7 A final monitoring meeting will take place following the end of the agreed timescales. If the employee meets the standards required, the manager will confirm this to the employee during the meeting and in writing within seven days. Following this meeting, no further action will be taken, although the employee's performance will continue to be monitored.
- 4.8 If the employee fails to meet the standards required, the formal part of this procedure will be initiated by the Line Manager.

Formal Procedure

- 4.9 Where there has been a failure to achieve or maintain the agreed performance level under the informal process in the agreed timescale, a first meeting under the Formal Procedure under this

policy will be arranged by the Line Manager. The discussion will focus on the issues regarding the unsatisfactory work performance, as well as providing the opportunity to discuss any further problems or issues either party may wish to raise.

- 4.10 As under 4.3 above, a record of all actions, and any agreed support to the employee will be documented together with a timescale for the expected improvement to be achieved. This timescale must be reasonable and fair, and be agreed by the employee and the manager, but will normally be between one and three months. Where appropriate, the possibility of alternative duties may be considered in accordance with the provisions of the ICB's Redeployment policy.
- 4.11 If unsatisfactory progress is made towards the agreed performance level within the timescale agreed under paragraph 4.10, and the Line Manager has exhausted all other avenues to help the employee meet the required work standards, the Line Manager may arrange a Capability Review Meeting in accordance with the process for a Disciplinary Hearing described in the Disciplinary Policy, whilst still continuing the supportive measures outlined in this policy. In such cases advice should be sought from the appropriate Human Resources Representative.
- 4.12 In accordance with the arrangements for a formal hearing described in the Disciplinary Policy, the Line Manager will be required to present a management case to the hearing panel summarising the actions taken to date and outcomes.
- 4.13 Employees will have the right to be accompanied and/or represented by a recognised trade union representative or work colleague during the formal stages of this Policy.

5. Data Protection

- 5.1 In applying this policy, the Organisation will have due regard for the Data Protection Act 2018 and the requirement to process personal data fairly and lawfully and in accordance with the data protection principles. Data Subject Rights and freedoms will be respected and measures will be in place to enable employees to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of personal information. Employees will have access to a Data Protection Officer for advice in relation to the processing of their personal information and data protection issues”.

6. Equality Statement

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

7. Monitoring and Review

- 8.1 The policy and procedure will be reviewed periodically by the Human Resources Team in conjunction with the ICB's Board. Where review is necessary due to legislative change, this will happen immediately.

Wellness Assessment and Action Plan

For Employees and Managers



This document has been designed to incorporate guidance from the Health and Safety Executive (HSE) on the six areas of work design which can affect stress levels and research carried out by Mary Ellen Copeland PhD (Founder of Copeland Center for Wellness and Recovery) on managing your own mental wellbeing.

The HSE have identified six work areas that if not properly managed can cause ill health in the workplace. These areas are:

1. **Demands** – Working environment, amount of work, job design and demands.
2. **Control** – The amount of input people have into the work they carry out.
3. **Support** – Policies in place to support employees, how and when feedback is given, and what additional support is available.
4. **Relationships** – How the organisation and individuals promote positive behaviours at work.
5. **Role** – Understanding of role and responsibilities.
6. **Change** – How the organisation manages change to support employees through the process

PART 1 - Carrying out a stress risk assessment

The risk assessment form part of a supportive process to assist managers and employees to identify hazards, explore why an employee may be affected, evaluate risks and frequency, record findings and proposed actions. Support is available through your Trade Union representative, HR Advisor and Occupational Health especially where there may be a medical reason for an increased likelihood of stress.

Section 1 - Employees are invited to use this form to help identify and manage the feelings of stress impacting on their mental health and discuss the areas address the concerns, although these are not exhaustive.

Section 2 – Where the employee has indicated there are concerns, a discussion should take place with the employee and manager recording the concerns raised and where possible a SMART action plan agreed.

PART 2 – As appropriate, carrying out a personal health and wellbeing assessment

The personal health and wellbeing assessment can help employees to actively support their own mental health, by reflecting on the causes of stress and poor mental health, and by taking ownership of practical steps to help address these triggers. The process can also help managers to engage in dialogue with employees, understand their needs and experiences and ultimately better support their mental health. The assessment helps to develop an awareness of our working style, stress triggers and responses, and enables the employee to communicate these to their manager. The information in this form will be held confidentially and regularly reviewed by you and your manager together.

Employees only need to provide information that you are comfortable sharing and that relates to your role and workplace.

This form helps the employee and manager to agree, together, how to practically provide support in the role and address any health needs and tailor solutions to support the employee in the workplace.

The action plan should cover:

- Actions and behaviours that support the employee's mental wellbeing
- What are the things they need to do to maintain good health and wellbeing
- Symptoms, early warning signs and triggers for poor mental health or stress
- Coping strategies employees already use and what makes these effective
- How employees have previously managed to work through challenging situations
- Potential impact of poor mental health or a mental health problem on their performance
- What support the employee needs from their line manager and wider team
- What is the employee like when they are feeling well and excelling at work
- Positive steps for the individual to take if they are experiencing stress or poor mental health
- An agreed time to review the support measures to see if they're working

PART 1 - Carrying out a Stress Risk Assessment

Section 1 – Employee Assessment

Employee's Name/Signature: _____ Date assessment carried out: _____

Demands and work environment - This covers issues such as workload, work patterns and the work environment.

Questions

No Maybe Yes

D1. Do you feel you have the right amount of work to do?

D2. Is your work boring, monotonous or unchallenging?

D3. Are you subject to work demands from different groups that are hard to combine?

D4. Do you have to neglect tasks, as you have too much to do?

D5. Do you feel under time pressures?

D6. Do you have to work fast in order to complete your work?

D7. Do you take the breaks you are entitled to at work?

D8. Do you have to work long hours to complete your work?

D9. Are there any problems with your work environment?

D10. Do you require any additional training to undertake your role?

Control- This section looks at how much say you have in the way you do your work

Questions

No Maybe Yes

C1. Do you have any say in how you plan your and undertake your work/day to day duties?			
C2. Are you included in decision-making in the team?			
C3. Can you set your own work speed?			
C4. Could you use your skills to greater effect at work?			
<u>Support</u> - This covers how encouraged you feel by your manager, colleagues and the CSU			
Questions	No	Maybe	Yes
S1. Does your line manager support you to do your job?			
S2. If your work gets difficult, are your colleagues and/or manager able to help and support you to do your job?			
S3. Do you feel supported in using your skills?			
S4. Are there any parts of your job that you find especially difficult?			
S5. Do you feel you have a healthy work-life balance?			
<u>Relationships</u> - This covers how strong and positive working relationships ensure effective communication			
Questions	No	Maybe	Yes
RE1. Is your team good at communicating?			
RE2. Are you subject to personal harassment in the form of unkind words or behaviour?			
RE3. Are relationships strained?			
RE4. Is there friction and anger between colleagues?			
RE5. Are you experiencing bullying or harassment at work?			

- This covers whether your role is clear and that you do not have conflicting duties

Questions	No	Maybe	Yes
RO1. Are you clear about your roles and responsibilities at work?			
RO2. Do you feel that there is any ambiguity or confusion (role conflict) in your job?			
RO3. Do you know the goals and objectives of your department?			
RO4. Do you know how to go about getting your job done?			

Change - This relates to how organisational change is managed and communicated

Questions	No	Maybe	Yes
CH1. Are you consulted/updated about changes at work that affect you?			
CH2. Are you clear about how changes will affect you in practice?			
CH3. Is there adequate consultation about workplace issues and changes?			

Other - This relates to any other issue that is causing concern. Please list

Questions	No	Maybe	Yes
Q1. Are there any other issues/stressors that need to be considered e.g. domestic issues?			
Q2.			
Q3.			
Q4.			

Section 2 Employee / Manager - Discussion and action plan

Date assessment carried out: _____

Employees Name: _____ Managers Name: _____

DEMANDS

POSSIBLE ACTIONS:

- Offer support in prioritizing tasks and cut out unnecessary work and bureaucracy
- Try to give warning of urgent jobs
- Assist in the scheduling of work to ensure adequate and appropriate resources
- Ensure job demands are matched in terms of quantity, complexity and intensity to employees skills and abilities
- Meet regularly to review workloads
- Avoid encouraging employees to work long hours, take work home with them
- Take regular planned periods of annual leave
- Rotate boring or repetitive jobs where practical and increase variety of tasks e.g. through projects or support to other colleagues
- Provide training as required
- Ensure performance management and learning plans are implemented
- Ensure any changes to roles are supported by the relevant training
- Undertake health and safety risk assessments, risk assessments / refer to occupational health as necessary
- Consider how to improve the work environment

	The issue discussed	SMART Actions	Action/ Person responsible	Review Date
D1				
D2				
D3				
D4				
D5				
D6				
D7				
D8				
D9				
D10				

CONTROL**POSSIBLE ACTIONS:**

- Allow autonomy within the role, where practical
- Encourage delegation and empowerment of others
- Encourage employee and team training to support delegation

	The issue discussed	SMART Actions	Action/ Person responsible	Review Date
C1				
C2				
C3				
C4				

SUPPORT

- Explain how to raise concerns and call on support
- Explain the role of a mentor
- Encourage enhance team working and support
- Be approachable and receptive to feedback

	The issue discussed	SMART Actions	Action/ Person responsible	Review Date
S1				
S2				
S3				
S4				
S5				

RELATIONSHIPS

- Encourage team working
- Encourage team members to give open and honest feedback to each other
- Demonstrate and encourage appreciation of others and difference
- Promote an atmosphere of mutual respect.
- Ensure all employees are aware that inappropriate behaviour at work will not be tolerated
- Relate to HR policy
- Seek support from HR

	The issue discussed	SMART Actions	Action/ Person responsible	Review Date
RE1				
RE2				
RE3				
RE4				
RE5				

ROLE

POSSIBLE ACTIONS:-

- Agree duties and responsibilities, ensuring excessive or unreasonable demands are not made
- Clarify goals and objectives for the employee and their department, ensuring no ambiguity
- Provide regular and clear feedback on performance

	The issue discussed	SMART Actions	Action/ Person responsible	Review Date
RO1				
RO2				
RO3				
RO4				

CHANGE**POSSIBLE ACTIONS:**

- Ensure clear and appropriate communication on proposed changes
- Ensure employees understands the reason for change and the likely timescales
- Ensure adequate consultation, whenever possible, and provide opportunist for comment and input
- Give support to employees during the change process.

	The issue discussed	SMART Actions	Action/ Person responsible	Review Date
CH1				
CH2				
CH3				

OTHER**POSSIBLE ACTIONS:**

- Support employees where possible
- Advise the employee of the benefits of the Employee Assistance Programme (EAP)

	The issue discussed	SMART Actions	Action/ Person responsible	Review Date
O1				
O2				
O3				
O4				

PART 2 – Mental Wellness Assessment

Date assessment carried out: _____

Review date: _____

Employees Name/Signature: _____

Managers Name/Signature: _____

Personal Health and Wellbeing - This covers personal stressors and how these are currently managed with at work	SMART ACTIONS / Lead person and review dates.
<p>What helps you to stay mentally healthy at work? (e.g taking breaks, being involved in a team, office environment)</p>	
<p>Are there situations at work that can trigger poor mental health for you? (e.g lone working, organisational change, tight deadlines)</p>	
<p>What can your manager do to help you to stay mentally healthy at work? (e.g 1:1's, flexible working, regular feedback)</p>	
<p>How might stress/poor mental health impact of your work? (e.g difficulty concentrating, hard to prioritise, headaches/migraines)</p>	
<p>Are there any early warning signs that we may be aware of when you are experiencing poor mental health? (e.g withdrawal from the team, changes to routine)</p>	

<p>What support could we put in place to help support you to manage your symptoms or minimise triggers?</p> <p>(e.g guidance of prioritising workload, extra 1:1 support, mentor)</p>	
<p>If we notice early warning signs that you are feeling stresses or unwell what should we do?</p> <p>(e.g talk to me discreetly, contacting a nominated person)</p>	
<p>What steps can you take if you start to feel unwell at work?</p> <p>(e.g. breaks away from your desk, asking for support, coping mechanisms used outside of work)</p>	