

| Managing Concerns with Performance Policy                           |                                                |
|---------------------------------------------------------------------|------------------------------------------------|
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## **Executive summary**

This policy<sup>1</sup> sets out Leeds Community Healthcare (LCH) NHS Trust's approach to managing concerns with employee performance.

The policy has been drafted to comply with statutory requirements, professional codes of conduct and following ACAS guidance. This should be read together with other relevant Trust policies, procedures and local guidance.

This policy applies to all employees of LCH excluding "workers" such as staff employed on an honorary contract or through an agency for which the responsibility rests with the individual's statutory employer.

This policy has been developed in consultation with Staff side and Management side representatives, and other key stakeholders.

The policy and procedure may be reviewed at the request of Management or Staff Side by giving four weeks' written notice with reasons for the review.

This policy may affect your pensionable pay and could impact on your pension. Please refer to NHS Pension agency on [www.nhsbsa.nhs.uk/pensions](http://www.nhsbsa.nhs.uk/pensions) or (0113) 2066222.

## **Equality Analysis**

LCH NHS Trust's vision is to provide the best possible care to every community. In support of the vision, with due regard to the Equality Act 2010 General Duty aims, an Equality Analysis has been undertaken on this policy (see Appendix B).

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<sup>1</sup> This Policy relates to performance of medical and dental staff in those areas and circumstances not covered by Maintaining High Professional Standards in the Modern NHS Policy.

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## **1. Introduction**

LCH has committed through its vision “to provide the best possible care in every community”. In order to achieve this vision LCH will ensure that it recruits, retains and develops the best staff and engages and empowers them to achieve and maintain high standards of work.

It is recognised that comprehensive recruitment and selection, an appropriate level of induction, effective appraisal and appropriate training and development will help minimise the risk of poor performance ensuring staff are fully aware of the level of performance expected.

Managers are fundamental to ensuring these activities are effectively managed and maintained.

An effective performance management process is essential to the on-going success of the organisation as is full engagement and participation with the appraisal process.

## **2. Aims**

LCH will aim to ensure all staff clearly understand the standards of performance expected of them and are fully supported to achieve and maintain these to a high standard.

The primary aim of the procedure is to provide a supportive course of action for employees whose performance falls below the expected standard.

If it becomes apparent that an employee is not achieving the required level of performance this policy and procedure aims to enable managers to deal with the situation in a prompt, constructive and effective manner.

## **3. Definitions**

For the purpose of this policy and procedure poor or unsatisfactory performance is defined as:

“Where a member of staff is failing, in a significant or persistent way, to carry out their responsibilities or duties in a satisfactory manner, either due to lack of skills, knowledge, attitude or some other reason.”

## **4. Scope**

This policy does not replace the Trust's Appraisal Policy and Procedure for Staff which is a continuous development process and must take place throughout the year.

Where poor or unsatisfactory performance is considered to be due to unwillingness to carry out duties properly rather than an inability to do so, it is appropriate to follow the Disciplinary Policy and Procedure.

Where poor or unsatisfactory performance is due to ill health, the Managing Sickness Absence Policy and Procedure will be applied.

If an individual's home or other personal circumstances are impacting on their ability to perform effectively in the job, consideration should be given to whether changes to work arrangements can be facilitated without compromising service requirements.

Where the circumstances of a particular situation suggest a combination of factors, such as conduct and poor or unsatisfactory performance, the principal reason for action should be selected and the appropriate procedure used. The use of this procedure does not preclude the use of another procedure when it becomes appropriate.

## **5. Responsibilities**

### **5.1 Joint Responsibility**

Good working relations are vital for the Trust to operate successfully and provide its essential services. Management, trade unions and employees accept the responsibility of working together on performance issues in good faith and with goodwill with the shared intention of facilitating good working relations.

### **5.2 Management Responsibility**

The Manager will:-

- recruit new members of staff, and ensure that they are fully aware of their role and standards expected of them in terms of performance from the outset and for ensuring they are adequately trained, qualified and experienced for the jobs they are employed to perform;
- agree standards of performance which are written using SMART principles, Specific, Measurable, Achievable, Realistic and Timely, and ensure that these are communicated effectively;
- ensure new members of staff attend the corporate induction and provide a comprehensive local induction programme to ensure that employees are clear about the aims of the organisation and department and the standards expected of them;
- discuss and agree with the employee any changes to job role, as appropriate;

- retain appropriate documentation to record training and development to ensure that adequate training has been given prior to an employee undertaking a specific task;
- conduct 1:1's, 6 monthly reviews and annual appraisals in line with the Appraisal Policy and Procedure;
- provide support, encouragement, training, development and assistance to enable employees to reach and maintain the required standard;
- ensure that each individual employee has regular feedback on their performance and behaviour and ensure feedback mechanisms within the team exist;
- highlight concerns with performance informally when they arise in line with the Appraisal Policy and Procedure, in order that the matter may be resolved, and the necessity for taking formal action may be avoided. This discussion will be documented using the appraisal letter (Appendix 2 of the Appraisal Policy and Procedure) and follow up key points made in writing to clarify performance issues and actions to be taken;
- work in partnership with the Workforce Department and Employee Representatives to ensure that all performance issues are dealt with fairly and consistently;
- take specific action as required to facilitate disabled employees (as defined by the Equality Act 2010) in meeting performance standards, by making reasonable adjustments to working conditions and work patterns as appropriate taking in to account the Equality and Human Rights Commission (EHRC) Employment Code.  
[http://www.equalityhumanrights.com/uploaded\\_files/EqualityAct/employercode.pdf](http://www.equalityhumanrights.com/uploaded_files/EqualityAct/employercode.pdf)

### **5.3 Employees' Responsibility**

The Employee will take personal responsibility for:

- ensuring that they are aware of the standards expected of them, and ask for assistance, training, guidance and support where required to enable them to achieve and maintain the required standards;
- aiming to achieve a high standard of performance as individuals and to contribute effectively to the team where appropriate;
- participating and engaging with the appraisal process;
- informing their manager (or appropriate third party, i.e. Human Resources/employee representative) of any job related or personal issues that may be preventing them reaching the agreed standards, in order that support and assistance may be provided;
- contributing to any discussions about their performance and participate fully in any reasonable action plans aimed at performance improvement;
- understanding that if work performance falls below expected levels managers are obliged to address this;
- complying with appropriate codes of conduct and Trust policies.

## **5.4 Workforce Department Responsibility**

The Workforce Department will:

- work in partnership with managers and employee representatives to ensure employees are treated fairly and consistently within the framework of the policy;
- assist managers to facilitate an employee's return to the required standard of performance by providing advice and support as appropriate;
- advise managers of options available should an employee be unable to achieve the agreed performance standard;
- collate and report equality data collection and subsequent analysis to the SMT as part of the workforce report and contribute to the Public Sector Equality Duty (PSED) information.

## **5.5 Trade Union Responsibility**

The Trade Unions play a vital role in:

- supporting members in the formal stages of the process
- representing members in the procedure and providing support and advice;
- working in partnership with management, the Workforce Department and Occupational Health to ensure employees are treated fairly and consistently

## **6. Right to be accompanied**

An employee has the statutory right to request to be accompanied by a supporter in any formal performance meeting or hearing. The supporter may be a work colleague not acting in a legal capacity, an accredited Trade Union representative or an official employed by the employee's Trade Union.

Nothing in this policy will affect the right to any reasonable adjustments needed to help the employee or their supporter, for example, foreign language interpretation where either the employee or the supporter has difficulty understanding or communicating in English. This may be in addition to a trade union representative or official.

Any request to be accompanied must be reasonable. The employee should let the workforce department know if they are being supported / represented by a trade union or professional body representative as soon as is practicable if a hearing is to take place, as well as the name of the supporter.

The employee is responsible for involving their supporter initially, and ensuring that dates of hearings are passed on to the supporter. Once a supporter is identified, they should normally be included in all correspondence with the employee, either in hard copy or electronically.

It is the responsibility of the employee to ensure that any case materials are prepared, sent and received within the timescales contained in the policy. Making such arrangements

should not cause undue delay to the process as it is in everyone's interests to proceed promptly.

If the supporter is unavailable at the date and time of the hearing, the supporter and employee can suggest an alternative date or time provided a) the reason the supporter is unavailable is reasonable, b) all panel members are available on the proposed date/time. This should usually be within seven working days of the original date, although in exceptional circumstances this may be extended by mutual agreement.

The role of the supporter in any hearing is to assist and support the employee. The supporter is allowed to present the employee's case, sum up the employee's case, and respond to any view expressed on the employee's behalf. They should also be given the opportunity to ask questions of presenting managers and witnesses on the employee's behalf. The supporter is also entitled to time out to confer with the employee during the hearing as needed. The supporter may not answer questions on behalf of the employee, disrupt the process, or prevent the Trust from explaining their case. The supporter is not allowed to address the panel if the employee does not wish them to do so.

## **7. Application of the Procedure**

**7.1** In handling issues with performance under this policy, the informal and formal stages will normally be followed sequentially. However, there may be circumstances in which it is necessary to omit one or more stages, according to the severity of the shortcomings, mistakes, or errors identified, i.e. patient safety, health and safety or repetition of previous performance issues dealt with informally. This will only be done with advice from Human Resources.

**7.2** If the employee is unable to sustain the level of competence required following completion of one of the stages the employee will return to the process at the next stage:

| <b>Previous Stage</b> | <b>New Stage</b> |
|-----------------------|------------------|
| Informal Stage        | Formal Stage     |
| Formal Stage          | Final Hearing    |

**7.3** This procedure should only be applied once circumstances or factors directly within the control of managers have been eliminated as contributing factors to a level of performance below that which might be expected. Examples of such factors might include:

- recent significant amendments to a job description;
- recent introduction of new systems or technology;
- employees in their induction period

**7.4** Consideration should be given to involving appropriate expert or professional advisors, i.e. Quality & Professional Development (QPD) Department where jobs incorporate highly technical aspects or elements that are not familiar to the manager.

## **8. The Procedure**

### **8.1 Informal Stage**

Where performance issues are identified the manager should provide feedback in a timely manner and as close to the issue or incident as possible, ideally addressing issues as part of the appraisal process. This should enable the employee to make the necessary changes to their practice and demonstrate learning and improvement. Feedback should be routine and forms the basis of the Trust's Appraisal Policy and Procedure whereby employees should be made aware at the earliest opportunity that there is a problem with their work.

If it becomes evident that an individual's performance is not meeting the required standard the manager may need to escalate the issues from the appraisal process to the informal stage of this procedure to explore the reasons in more detail and establish appropriate support and/or training.

The employee will be invited to the informal meeting by email or letter (including a copy of the policy) by the manager ensuring a record is kept of any correspondence.

At an informal stage meeting the manager will talk to the employee and draw their attention to the concerns, providing objective, factual evidence of poor performance. i.e. this could be when objectives/competencies/performance targets set as part of the appraisal process have not been achieved, failing to follow local processes and procedures, work schedules, complaints received etc.

The manager should try to ascertain from the individual's responses if he or she accepts that there is a problem with their performance and assess the importance of any mitigating circumstances.

Wherever possible, the Manager and employee should jointly identify:

- the underlying cause;
- an action/development plan (Appendix A) that the employee must follow (this may include
- specific on the job training, shadowing, mentoring and coaching);
- a timescale to overcome the problems (usually between 4 - 8 weeks - agreeing the timescale with the nature of the concerns and complexity of the post);

- what support is available i.e. counselling and reference made to the following policies if appropriate - special leave, alcohol policy, flexible working;
- regular review periods

The review period will be a maximum of 8 weeks and will start once the employee has received the agreed action/development plan.

The manager must provide the employee with a copy of the action/development plan agreed and any agreed actions from the meeting within 5 working days of the meeting.

The manager should ensure the employee is aware that failing to meet the required standards within the agreed timescale may mean that formal action will need to be taken in the future. The review period set at the informal stage may be shortened if serious problems arise during it.

It will be necessary to make reference to earlier informal discussions; therefore managers must keep a record of the date, time and content of all initial discussions.

Dependent upon discussions with the employee, it may be appropriate to deal with the matter under another procedure, for example:

- attendance management;
- disciplinary;
- acceptable standards of behaviour
- alcohol and drug misuse

There should be a final review meeting at the end of the agreed review period to establish progress made and any further improvements required.

Options available following this meeting are:

- If it is established that performance has improved to the required standard, the individual must be informed that there will be no further action taken under this procedure and that their performance will continue to be monitored in the normal way using the appraisal process.
- If performance has improved but is not yet consistent a further review period may be agreed (usually between 4 - 8 weeks - agreeing the timescale with the nature of the concerns and complexity of the post).
- If it is determined that performance has not reached the required standard in the agreed timeframe or there is repetition of previous performance issues dealt with under the informal stage, the formal stage of the procedure must be instigated.

The outcome must be communicated verbally at the meeting and confirmed in writing within 5 working days of the meeting.

Where the decision is to move to the formal stage of the procedure, the manager must inform a HR representative.

## **8.2 Formal Stage**

If the informal stage is unsuccessful in assisting the employee to meet the required standard of performance and there is no other cause identified, the manager should escalate the issues to the formal stage of the procedure taking advice from a HR representative.

The manager will write to the employee to arrange a meeting, giving at least 5 working days' notice of the date, time and venue.

The letter must clearly state:

- any informal agreed actions (action plan) and timescales;
- details of where the employee has not met the required standard;
- their right to representation.

The manager, a HR representative, the employee and the employee's representative, if appropriate, will attend the meeting.

At the meeting the manager must:

- review the original action/development plan highlighting the areas that remain a concern and amend where necessary;
- ensure the plan sets out how the employee's performance will be monitored, and what type of supervision or support will be provided during the period under review;
- set new timescales to allow sufficient time to reach the required standard. This would usually be between 4 - 8 weeks - agreeing the timescale with the nature of the concerns and complexity of the post;
- allow the employee the opportunity to respond and bring to the manager's attention issues that may be affecting their performance;
- ensure the employee is aware of the consequences of failing to meet the required standard, which will be to move to the next stage of the procedure and could ultimately lead to dismissal.

The manager must conduct regular reviews (every 2 weeks or sooner if appropriate).

The manager must provide the employee with a copy of the revised action/development plan agreed and any agreed actions from the meeting within 5 working days of the meeting.

There must be a final review meeting at the end of the agreed review period to establish progress made and any further improvements required.

Options available following this meeting are:

- If it is established that performance has improved to the required standard, the individual must be informed that there will be no further action taken under this procedure and that their performance will continue to be monitored in the normal way using the appraisal process.
- If the employee has almost met the required standard, a further review period may be agreed (usually between 4 - 8 weeks - agreeing the timescale with the nature of the concerns and complexity of the post).
- If the required standard of performance is not reached the manager may consider (with the agreement of the employee) down grading should a suitable vacant post exist within their service or the wider organisation exist, ensuring it is made clear where on the lower pay band the individual will move to.
- Discuss redeployment options in the wider organisation if appropriate, for roles more suitable to the employee's skills and abilities.
- If it is determined that performance has not reached the required standard in the agreed timeframe; or if no suitable vacancy exists; or the employee does not agree to downgrade or redeployment option and no mitigating circumstances exist the matter will progress to a final hearing.

The outcome must be communicated verbally at the meeting and confirmed in writing within 5 working days of the meeting.

### **8.3 Timescales**

The 4 - 8 week review periods at both the informal and formal stage are indicative and based on facts of individual circumstances, nature of the concerns and complexity of the post.

### **8.4 Final Hearing**

If the formal stage is unsuccessful in assisting the employee to meet the required standard of performance it will be necessary to convene a final hearing.

A panel will be formed consisting of an (a) appropriately trained independent senior manager (Chair) and a HR representative to hear the case, neither of which have had any prior involvement.

It is expected that the final hearing will be convened within 25 working days of notification of progression to the final stage. Any delay in setting up the hearing within the specified timescale should be communicated to all parties at the earliest opportunity.

The nominated HR representative will send a letter confirming the arrangements for the hearing and possible outcomes to the employee giving at least 10 working days' notice of the hearing.

Attached to the letter will be the management case (prepared by the manager) for the hearing which will include:-

- a chronology of the informal and formal stages;
- details of the performance issues with evidence;
- action/development plans developed and outcomes

The employee may also produce a statement of case including any relevant material to support their case which should be provided to the HR representative 5 working days prior to the hearing.

The employee case will be presented to management side 4 working days prior to the hearing.

The employee and management case will be presented to the panel 4 working days prior to the hearing.

Where failure to attend the hearing is with prior notice and the reason given for non-attendance is reasonable i.e. sickness, the hearing will be reconvened. The employee can suggest an alternative time and date provided it is reasonable, other panel members are available and it is not more than seven working days after the original date.

Where failure to attend is not notified prior to the hearing the nominated HR representative will write to the employee requesting a reason for their non-attendance. The hearing will be reconvened at a date and time that is suitable for the panel members.

If the reconvened hearing is not attended by the employee or their nominated representative the hearing may proceed in their absence.

Where failure to attend is due to sickness absence from work an occupational health referral may be required to advise if the individual is fit to attend the hearing.

## **8.5 Dismissal, Downgrading or Redeployment**

People authorised to dismiss, downgrade or redeploy are as follows:

- Chair and Non-Executive Directors of the Trust Board
  - Chief Executive and Executive Directors of the Trust Board
- Or

Senior staff (General Managers/Clinical Leads/Associate Medical Directors) directly employed by the Trust who report directly to the Executive Director.

If there are concerns with an individual's professional performance, then an independent specialist advisor may also be available to advise the panel, although they will not be part of the decision making process.

**The Chair of the final hearing must have received the appropriate training for this role.**

The independent senior manager will chair the hearing. They will introduce those present and the hearing will proceed usually as follows:

- the information will be set out by the manager, who will then present the report;
- the panel may question the manager;
- the employee/representative may question the manager;
- the employee/employee representative will be given the opportunity to explain to the Chair of the final hearing why they have been unable to reach the required standard of performance, including any mitigating circumstances;
- the panel may permit questions of the employee by the manager and may ask questions;
- the employee/employee's representative will be given the opportunity to summarise their case;
- the manager will be given the opportunity to summarise their case;
- the panel considers the case in private. The panel must be satisfied that they have all the relevant information and advice required to make a decision. If this is not the case an adjournment may be requested by agreement.

The options available are:

- In exceptional circumstances, the employee may be given a further review period to meet the required standard. At which point the panel will reconvene to rehear the outcome of the extended review period and make a final decision.
- Redeploy the employee in to a more suitable vacant post (only if there is a suitable vacancy).
- Where redeployment is not an option, the employee will be dismissed from their employment on the grounds of capability. The employee will be entitled to receive pay in lieu of notice, in accordance with their contract of employment, and pay in lieu of any outstanding annual leave.

The panel will aim to inform the parties of the decision on the day (under exceptional circumstances and by agreement the outcome may be given at a later date).

The panel will confirm the decision in writing to the employee/representative within 5

working days of the hearing. The letter will set out the decision and reasons for it and notify the employee of the right of appeal.

### **8.5.1 Redeployment**

Where there is a possibility of redeployment to a suitable vacant post within the organisation the employee must be given a period of 10 working days to consider the offer. The employee must be made aware in these circumstances, where the post is on a lower band pay protection will not apply, and that refusal of a suitable vacant post will normally result in their dismissal. The employee must convey their response in writing to the Chair of the hearing within the specified timescale.

## **9. Right of Appeal**

Employees have the right of appeal against the outcome of a final performance hearing. In wishing to exercise this right, the employee should write to the Director of Workforce within fifteen working days of the date of the letter confirming the decision.

Appeals will be dealt with in accordance with the Trust's Appeal Policy.

**Note – all records and reports received / created by the performance panel should be forwarded to the relevant HR representative at the end of the process.**

## **10. References**

- NHS Terms & Conditions
- ACAS
- NHS Constitution
- Equality Act 2010
- EHRC Employment Code

## **11. Monitoring Compliance and Effectiveness**

The Workforce department will provide reports on the number of performance cases as part of the employee relations monitoring data.

## **12. Approval and Ratification Process**

This policy will be approved by the JNCF and ratified by the Trusts' Remuneration Committee.

### **13. Dissemination and Implementation**

Following ratification this policy will be available to all staff via the Trust intranet site.

A short summary of its contents will also be published with a further notification appearing in Community Talk.

### **14. Associated documents**

- Managing Attendance Policy and Procedure
- Disciplinary Policy and Procedure
- Appraisal Policy and Procedure
- Bullying and Harassment Policy
- Records Management Policy
- Employee Records – Guidance for Managers

## Appendices

### APPENDIX A - Action / Development Plan

| No | Area identified for Improvement | Objective / Action Required | Measure of success / Evidence | Periodic update/ Timescale for review | Periodic update/ Timescale for review | Date Completed |
|----|---------------------------------|-----------------------------|-------------------------------|---------------------------------------|---------------------------------------|----------------|
| 1  |                                 |                             |                               |                                       |                                       |                |
| 2  |                                 |                             |                               |                                       |                                       |                |
| 3  |                                 |                             |                               |                                       |                                       |                |
| 4  |                                 |                             |                               |                                       |                                       |                |
| 5  |                                 |                             |                               |                                       |                                       |                |
| 6  |                                 |                             |                               |                                       |                                       |                |
| 7  |                                 |                             |                               |                                       |                                       |                |
| 8  |                                 |                             |                               |                                       |                                       |                |

Signed.....Manager

Signed ..... Employee

Date.....

Date.....

## APPENDIX B – Equality Analysis

### Managing Concerns with Performance Policy

#### What are the intended outcomes?

LCH has committed through its vision “to provide the best possible care in every community”. In order to achieve this vision, LCH will ensure that it recruits, retains and develops the best staff and engages and empowers them to achieve and maintain high standards of work. An effective performance management policy is essential to the on-going success of the organisation as is full engagement and participation with the appraisal process.

#### Aims and Objectives

LCH will aim to ensure all staff clearly understands the standards of performance expected of them and are fully supported to achieve and maintain these to a high standard.

The primary aim of the procedure is to provide a supportive course of action for employees whose performance falls below the expected standard.

If it becomes apparent that an employee is not achieving the required level of performance this policy and procedure aims to enable managers to address the situation in a prompt, constructive and effective manner.

#### Who will be affected?

The *managing concern with performance policy* is an internal policy which impacts on employees and managers but not directly on service users or the public at large. Nevertheless it is a vital part of the way LCH operates to make sure that the workforce is performing at its best and is therefore serving the community to maximum effect. This EA seeks to ensure that LCH can be confident that the *managing concern with performance policy* is fit for purpose and does not deliberately or unwittingly discriminate against any section of the workforce. It examines the policy from the viewpoint of the 9 main protected characteristic groups – Age, Disability, Gender, Gender Reassignment, Pregnancy and maternity, Marriage and Civil Partnership, Race, Religion and Belief, and Sexual Orientation – and also gives thought to whether any other groups might be disadvantaged. If any issues are uncovered, an action plan will set out our intention to rectify the situation.

#### Evidence

##### Disability

Individuals with mental health conditions may find themselves unable to cope with ‘day to day’ activities including work activities. This can place them at an increased risk of performance management action if managers are unable to empathise with staff or are unaware of mental health problems as a result of poor disclosure mechanisms. (*EHRC employers guidance*)

##### Sex

Higher levels of part-time/reduced hours working may place female workers at an increased risk, as their workload may be substantially higher than that of which it should be. Analysis of equality data of staff subject to managing concerns with performance policy is not collected at present and so analysis is not yet possible.

##### Race

Analysis of equality data of staff subject to managing concerns with performance policy is not collected at present and so analysis is not yet possible.

|                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Age</b><br>Analysis of equality data of staff subject to managing concerns with performance policy is not collected at present and so analysis is not yet possible.                                                                                                                                                                                                                                                        |
| <b>Gender reassignment (including transgender)</b><br>Currently the organisation does not analyse equality data of those staff involved managing concerns with performance policy, however data held shows that no staff define themselves as Transgender on ESR.<br>Analysis of equality data of staff subject to managing concerns with performance policy is not collected at present and so analysis is not yet possible. |
| <b>Sexual orientation</b><br>The organisation collects sexuality data at the point of application and employees can update equality data using the self-service function on ESR.<br>Analysis of equality data of staff subject to managing concerns with performance policy is not collected at present and so analysis is not yet possible.                                                                                  |
| <b>Religion or belief</b><br>Analysis of equality data of staff subject to managing concerns with performance policy is not collected at present and so analysis is not yet possible.                                                                                                                                                                                                                                         |
| <b>Carers</b><br>Analysis of equality data of staff subject to managing concerns with performance policy is not collected at present and so analysis is not yet possible.                                                                                                                                                                                                                                                     |

|                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Engagement and involvement</b>                                                                                                                                                                                                                  |
| <i>(How have you engaged stakeholders in gathering evidence or testing the evidence available?)</i><br>Ongoing stakeholder engagement will happen as the policy navigates through the organisational governance structure                          |
| <i>(How have you engaged stakeholders in testing the policy, programme proposals or service)</i><br>The draft policy will be shared with stakeholders for consultation at all stages prior to being presented through the formal approval process. |
| <i>(For each engagement activity, please state who was involved, how and when they were engaged, and the key outputs)</i><br>This will be documented as part of the policy development and available to view at the rear of the policy on Elsie    |

## Summary of Analysis

Poor communication of this policy could impact negatively on some staff groups. For example if the policy is not available in alternative formats, staff with disabilities could be impacted in a negative way.

Line managers need to understand their responsibilities when implementing this policy. If managers fail to develop this understanding and/or attend training to help them to do this, it could result in this policy being implemented unfairly. There is the potential for the policy to have an adverse impact if the training/awareness that supports it does not adequately cover how equality aspects can be relevant to the effective, fair and successful implementation of the

The analysis of data held on ESR of *staff being performance managed* by protected characteristic does not happen at present.

Analysis by protected characteristics is necessary to ensure that organisation meets the requirements of the three General Duties under the Equality Act 2010.

### Equality Analysis action plan

| Actions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Target date                     | Person responsible and their Directorate      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-----------------------------------------------|
| <p>A communication plan will be implemented ensuring employees and managers feel confident and have the knowledge to use the policy, and are clear about what the policy mean for them personally. Staff involved in the communication process will be required to give regard to our obligations under the Equality Act 2010, including;</p> <ul style="list-style-type: none"> <li>• alternative formats of policies will be sent to those that need it</li> <li>• email – appropriate font size and accessible documents will be used to ensure no one is excluded</li> </ul> | Immediate                       | Helen Dixon, Workforce                        |
| Commence with the collection and analysis “performance management” data by age, gender, sexuality, ethnicity, disability, marriage or civil partnership, religion and belief.                                                                                                                                                                                                                                                                                                                                                                                                    | Immediate                       | Sue Ellis, Director of Workforce              |
| Include the equality data analysis of those staff in performance procedures in Workforce reports to SMT                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | By the end of quarter 2 2014/15 | Sue Ellis, Director of Workforce              |
| Include the equality data analysis of those staff in performance procedures in Workforce reports to the Finance & Performance Committee.                                                                                                                                                                                                                                                                                                                                                                                                                                         | By the end of quarter 2 2014/15 | Sue Ellis, Director of Workforce              |
| Include the equality data analysis of those staff on performance procedures reported in Workforce reports as part of the Public Sector Equality Duty information published as a requirement of the Equality Act 2010.                                                                                                                                                                                                                                                                                                                                                            | By the end of March 2015        | Richard Worlock, Equality & Diversity Manager |



## APPENDIX C - Managing Concerns With Performance Procedural Flowchart

