



Performance and Capability Policy

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| Date | 18 February 2021 |
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| Review date of approved document | June 2025 |
| Equality Impact Assessment | Full EqIA completed on 20 th October 2021 |
| Linked procedural documents | Disciplinary Policy Disability Policy Reward and Recognition PDR / Appraisal Policy / Clinical Supervision etc EDI Policy Cultural Ambassador SOP Toolkit for Temporary Redeployment Permanent Medical Redeployment SOP |
| Dissemination requirements | All managers and staff, via staff bulletins and the intranet |
| Part of Trust's publication scheme | Yes / No? YES |

The East of England Ambulance Service NHS Trust has made every effort to ensure this policy does not have the effect of unlawful discrimination on the grounds of the protected characteristics of:

age, disability, gender reassignment, race, religion/belief, sex, sexual orientation, marriage/civil partnership and pregnancy/maternity. The Trust will not tolerate unlawful discrimination on the basis of, spent criminal convictions, Trade Union membership or non-membership. In addition, the Trust will have due regard to advancing equality of opportunity for and

fostering good relations between; people from different groups and people with protected characteristics.

This policy applies to all employees (whether permanent, fixed term or temporary) working at all levels and grades for the Trust, including senior managers, directors, non-executive directors, and on secondment, honorary contracts and volunteers. All Trust policies can be provided in alternative formats if required.

East of England Ambulance Service Trust recognises its obligation of supporting the requirements of the Modern Slavery Act 2015 and any future legislations. A prime objective of the Trust is to eradicate modern slavery and human trafficking and recognises the significant part it must play in both combatting it and supporting victims. The Trust is also committed to ensuring that its supply chains and business activities are free from any ethical and labour standards abuse.

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1. Introduction

1.1 The East of England Ambulance Service Trust (EEAST, or the trust) seeks to be an exceptional place to work, volunteer and learn. We want our staff to reach their full potential within the scope of required roles, enabled by managers and supervisors at all levels, to help our people thrive in the role they perform, but we appreciate that at times people may need some additional support. E.g. Training, Shadowing, Coaching, and Mentoring.

1.2 What is Performance Management? There's no standard definition of performance management but it describes activities that:

- Establish objectives through which individuals and teams can see their part in the organisation's mission and strategy.
- Improve performance among employees, teams and, ultimately, organisations.
- Hold people to account for their performance by linking it to reward, career progression and termination of contracts.

(Performance Management Dec 2020)

1.3 Our policy is that we will enable our staff to reach their full potential through supportive performance management. We will recognise and reward those who exceed the required standard of performance, and we will take all reasonable steps to enable those who fall below our standards to improve. Setting performance objectives for employees, teams and the department is an important aspect of managing performance. They may be directly related to team or organisational key performance indicators.

1.4 This means we will proactively manage performance where there is a lack of capability and take further action when appropriate and necessary. We will do what we can to provide support to our staff, though on occasion the trust may have no other reasonable alternative than need to dismiss an employee on the grounds of capability and or poor performance.

1.5 Therefore, the primary purpose of this policy and procedure is to support staff when it becomes apparent that they require

development in areas in reaching required standards in their role. It also informs, helps, and guides Trust managers and supervisors to deal with performance and capability issues in a fair, consistent, and supportive manner.

- 1.6 This policy provides a transparent framework to support management with the situation when employees under performing and help determine if any underperformance is related to capability to undertake their role rather than conduct or behaviour i.e., in broad terms somebody 'can't' rather than 'won't' do something.
- 1.7 It also provides guidance when it becomes clear that despite additional measures being made to assist, the employee is not able to meet the required standards and/or is not suitable to undertake the role. It outlines potential courses of action including where employees may be suitable for an alternative role within the Trust.
- 1.8 Mentorship, Supervision, feedback and training are key to the achievement of effective individual and organisational performance. Discussions with employees about their performance and personal development, either formally or informally, will help identify any developmental areas and allow for prompt remedial action It will also help employees to have interesting and fulfilling roles with the Trust,
- 1.9 This policy and procedure has been fully consulted with our staff side trade unions and is informed by the ACAS workplace advice for employees and employers on management of performance and capability issues in a fair, consistent and supportive way: <https://www.acas.org.uk/capability-procedures>

2. Scope

- 2.1 When an employee's performance standards do not meet the requirements of the role, the Trust managers and Supervisors will consider fully and fairly whether this is due to performance, capability, or conduct. For operational staff this could be addressed during Supervision.

- 2.2 This Policy and Procedure applies in circumstances when it has been identified that an employee is unable to do their job due to their 'skill, aptitude, health or any other physical or mental quality' as defined in the Employment Rights Act 1996 S98(3)(a). Whilst issues relating to health will primarily be addressed via the sickness absence management policy there may be health issues that do not lead to employee absence but do potentially impact upon an employee's performance and such situations should be addressed via this policy and procedure, Disability, Occupational Health policy and the Wellbeing guidance
- 2.3 Where an employee's ability to do their job is related to a qualifying disability under the Equality Act 2010, then conditions of the Act ask that the employer makes reasonable adjustments in the workplace and reasonable adjustments to the job. (Please refer to the disability policy). The Trust will look to make reasonable adjustments for an employee as defined by the Act, following a clear and transparent process..
- 2.4 Performance issues which are because of misconduct should be addressed, as appropriate, via the Disciplinary Policy.
- 2.5 Some staff groups such as trainees may be subject to specific additional contractual provisions regarding the implications of not achieving the required standards of performance. Where alternate provisions for addressing performance issues during an employee's training period exist then these provisions will be applied in line with the principles set out in this and the Trust's Probationary Policy and in conjunction with any contractual provisions or requirements from partner training and education organisations.
- 2.6 Performance management may be part of or run concurrently with any Trust's Appraisals Performance Development Review (PDR). However, managers and supervisors should not wait for the next review, if there is evidence to indicate improvement is required in order to give the employee the opportunity to improve and to stop any further concerns arising. Feedback around performance, both positive and negative is best provided as close to the event as possible. However, managers and supervisors should ensure that conversations take place in an appropriately confidential

environment. These conversations should take place, following appropriate feedback, training and meaningful conversations.

3. Why is managing performance important?

We want to be the best we can possibly be in the services we provide internally, around our culture, values, and professionalism to each other and to our patients and stakeholders.

Managing performance is central to the relationship between employees and their line managers. It can be a key element of good communication and foster the growth of trust and personal development, leading to better performance outcomes. Managing performance is central to how well employees will be engaged in their work and how well they will perform.

4. Roles & Responsibilities

4.1 Manager or Supervisor

The Manager or Supervisor is responsible for:

- Ensuring staff are treated fairly and equitably.
- Ensure Reasonable adjustments are in place where necessary and or requested an OH referral if required
- Providing regular supervision meetings and conducting an annual appraisal in a timely manner.
- Early intervention when poor performance is identified is essential, enabling a supportive approach to be taken.
- Ensuring that Trust policies and procedures are complied with.
- Informing the Human Resources (HR) department when incidents arise and working with them to progress each case.
- Arranging meetings in line with this policy.
- Providing a fair and reasonable outcome for the employee in line with this policy.
- Ensuring all timescales in the policy are adhered to.
- Ensuring they have completed the appropriate training themselves on Appraisals.

- Maintaining confidentiality during and after the application of this policy.

4.2 Employees

The Employee is responsible for:

- Ensure they have applied for reasonable adjustments. Asked for an OH referral if required
- Maintaining a good level of performance at work .
- Aiming to maintain the highest standards of care and service.
- Taking up training and development opportunities provided at least in line with those legally required of the post. Attend and participate in regular supervision meetings and participate in an annual appraisal.
- Ensuring they treat colleagues and patients fairly and equitably, demonstrating all five Trust values and behaviours.
- Ensuring they comply with all Trust policies and procedures.
- Fully participating in the process of managing performance to address any performance issues identified including attending meetings as requested under this policy.
- Arranging the attendance of their staff representative or companion at meetings, in a timely manner. A meeting can only be delayed once during this process for non-availability
- Maintaining confidentiality during and after the application of this policy.

4.3 Workforce Directorate

The Workforce Directorate is responsible for:

- To ensure the manager/employee have considered reasonable adjustments or OH referral
- Providing appropriate advice and support to managers in the application of this policy including relevant training.
- Support all formal meetings in line with this policy.
- Ensuring the policy is followed in a fair and equitable manner.
- Ensuring the policy is adhered to and timescales are met and consequences if they are not met

- Ensuring any developments are identified and brought to the attention of a senior manager.

4.4 Staff Side Representatives or Companion role

- Employees are entitled to be accompanied by a staff-side representative or workplace colleague, at any formal meetings held under this Policy. It is the employee's responsibility to make arrangements to be accompanied. The employee must be informed of this right at the commencement and all subsequent stages of this procedure.
- Any representative must maintain confidentiality during and after the application of this policy.
- If the reason given for failing to attend a meeting is due to the non-availability of a trade union representative or workplace colleague and there have been no earlier adjournments in the process for this reason, on only one occasion the meeting will be postponed and a new meeting will be arranged within reasonable time; normally 5 working days. Exceptional circumstances will always be considered.

5. Equality, Diversity and Inclusion

We want all our workforce to be able to succeed to the best of their ability, therefore:

- 5.1 Everyone has the right to be treated fairly and have the opportunity to fulfil their full potential. The principles of equality diversity and inclusion are central to all our activities.
- 5.2 The processes within this policy should be applied fairly, with no evidence of inconsistency, unconscious bias or discrimination.
- 5.3 The Employment Act 2010 makes it unlawful for an employer to treat any employee less favourably for a reason relating to the

employee's protected characteristics (Age, Disability, Gender reassignment, Marriage or civil partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex, Sexual orientation).

5.4 All staff are reminded that the Employee Assistance Programme provided by Kays Medical which is a free and confidential helpline (0808 196 2374). They provide advice and guidance on a wide range of subjects including legal, financial or health and wellbeing and also Kays Medical 24 hour 'In Crisis' telephone support for employees in distress, considering self-harm or suicidal thoughts (0808 196 2370).

6. Standards of Performance

- 6.1 Standards of performance are approved by management at the commencement of employment, so employees can plan accordingly to achieve them. These standards of performance must be clear and be agreed between the manager and employee. All employees should have the necessary skills, knowledge and experience for the post being undertaken. This will be assessed at the point of recruitment or promotion, during appraisals and also dependant on the role and the assessment practices used at the time and may be subject to successful completion of a training programme, assessment or by achievement of specific qualifications.
- 6.2 Staff are appointed to roles on their ability, and therefore assume accountabilities and responsibilities for the role on appointment. It is recognised that to reach their full potential employees will, over time, learn and develop within a role but with the right support mechanisms (Including training, mentoring, or supervision) in place, there are clear expectations of satisfactory performance from the outset.
- 6.3 Line Managers and Leading Operations Managers (LOMs) should undertake appropriate Leadership and Management training, to support them in managing the staff they are responsible for, to enable the staff reach their full potential and should therefore be clear in regards of the standards of performance required of

employees; these may come from a variety of sources and may include:

- Job descriptions.
- Personal Objectives, often agreed as part of an appraisal process.
- Standards as laid out in clinical guidelines, office protocols or policies and procedures.
- Comparison with the normally expected and demonstrated level of performance for someone of their level of experience within the role i.e. is an employee consistently demonstrating lower work standards of performance in comparison with his or her peers, where appropriate.

NB This list is not exhaustive.

6.4 Additional advice/support

Specialist advice and/or support may be sought at any stage of the procedure for example from the Workforce Directorate, the Trust's Occupational Health provider or professional bodies, for all staff. Should this be the case this will be discussed with the employee, so they have a full understanding of the supportive measure being applied via the additional input.

7. Procedure

- 7.1 The performance of every employee is crucial to the success of the culture of the organisation. Each employee is encouraged to maximise their potential within their role and to continuously strive to deliver their best. Managing performance should be a continual process of feedback, regular 1:1 meetings and review meetings. However, there will be occasions when an employee's ability and performance fall below the required standard for their role and they are unable to meet their contractual obligations. In these instances, management intervention is required to identify performance issues, provide an enhanced level of support, feedback, and development.

- 7.2 This policy aims to provide a process with the focus on encouraging improvement through clear objective setting, development, support and monitoring from employees starting in post and at all stages of their employment. Employees should meet the requirements of their role, and this may mean changing an approach, methodology or process. Likewise, managers should also ensure that their responsibilities to guide and support staff are met. Where staff are not able to meet the required standards of performance, then consideration will be given to implementing the following procedure.
- 7.3 It is important to note that an appraisal meeting should not be the first time an employee finds out there are concerns with the performance. A number of regular meetings should have taken place, with records of concern, before this stage. Managers will be provided with a managers passport training, which will take them through the process within this policy.
- 7.4 Informal Review (Stage 1)**
- 7.4.1 Underperformance may have a variety of causes and some of them may be outside the individual employee's control. It is therefore important to discuss any concerns carefully with the employee in order to understand the reasons so that practical solutions may be agreed. Health and Wellbeing and reasonable adjustments should also be considered, if necessary or applicable, at this point.
- 7.4.2 Initial performance concerns are best addressed informally between the manager and the employee, this is how most performance concerns will be dealt with. Managers should ensure that concerns are agreed, recorded and discussed constructively and supportively, with the objective of encouraging employees to improve and in a confidential setting.
- 7.4.3 Discussions should also identify whether the employee believes that they require additional training or development or requires reasonable adjustments or a occupational health referral to meet the required standards of the role. The outcome of the discussion should be confirmed in writing with the employee. It is important that objectives are agreed and that these objectives be Specific,

Measurable, Achievable, Realistic, Timebound (SMART) and have clear outcome measures and reasonable timeframes, with reviews and evaluations at review meetings. The performance development plan should be filed in the employee's personnel file and closed when completed.

- 7.4.4 At the end of stage 1, the line manager must meet with the employee and clearly explain the reasons why they are now to proceed to stage 2. It must not come as a surprise to the employee. In circumstances that underperformance is identified as being serious and/or a consistent issue then the formal stage set out below should be followed:

7.5 Formal Review (Stage 2)

- 7.5.1 If you reach the unfortunate position where an employee is being taken to a formal meeting, due to their underperformance, you should feel secure that by this point you have done everything you can to support the individual and introduced management interventions, to avoid getting to this point. The formal stage will be initiated when either the informal stage has not been effective, or the issue of performance is so serious that it requires immediate intervention at this stage.
- 7.5.2. If the line manager feels it is necessary, advice could be sought from the Workforce Directorate, /a more senior manager/or EDI Team. A formal meeting will take place with the employee to discuss the matter. A letter to the employee must be used to confirm the meeting and its purpose, setting out the issues of concern where expectations, which have been agreed are not being met in terms of performance, as well as any action taken to date to improve performance.
- 7.5.3. The formal meeting is arranged by the line manager. The employee must be informed that they may be accompanied by a Trade Union representative or workplace colleague not acting in a legal capacity at this meeting. In such circumstances a HR

representative may be expected to attend the formal meeting, to provide advice on the process.

7.5.4. At the meeting, the employee's role and performance should be discussed, providing evidential examples, which would be discussed in detail at stage 1.

7.5.5. The employee shall have the opportunity to comment; express views or offer an explanation. The manager must consider any professional, personal or medical issues that may be affecting the employee's performance.

7.5.6. It is essential, as far as possible, that the meeting supports a mutual understanding of the situation between the manager and employee. The employee should be clear about the Trust's expectations and the implications should performance not meet the required standards. The manager should also be clear about what support/training/resources would be available to meet the employee's needs and ensure that the employee has the greatest opportunity to improve his or her performance.

7.5.7. The manager should identify, with the employee, a programme of action (based on the pro forma at Appendix 1) designed to improve performance. Taking into consideration any evidence, professional or personal issues identified by the employee to really demonstrate it a performance action plan attainable by the employee within the agreed timescale.

This programme must have targets, timescales and review dates and may include:

- Self-directed learning.
- Direct mentoring/supervision/support from an appropriately skilled or experienced employee.
- Where practicable, further training if this is deemed to be required.
- Written guidance and /or programmes of work.

7.5.8 A letter confirming the outcome of the meeting should be sent to the employee which will include a copy of the completed pro-

forma (or alternative document – see below). The letter needs to describe what happens if the level of performance is not achieved.

7.5.9. In exceptional circumstances it may be necessary to remove the employee from all or some of their duties including consideration of suspension from duty or alternative duties e.g. in circumstances that the performance issues are such that the individual may be a risk to themselves, the Trust or others. In such cases advice should be sought from the Workforce Directorate to ensure the applicable processes are followed.

7.5.10 Line Managers may also need to signpost staff to where support can be obtained, if required, i.e. Occupational health, Employee Assistance Programme, Wellbeing Team, EDI team and self-help sites etc.

7.6. Review Period

7.6.1 Timescales set for the review period should be reasonable. The timescales should give the employee adequate time to improve and to demonstrate this improvement, through evidence-based practice. Timescales will also depend on matters such as: the nature of the performance concerns; time in post; type of work; period and availability of any agreed training; work patterns; planned leave; any targets set and the potential implications of the performance concerns.

7.6.2. Where it is identified that the employee has development needs then particular care should be taken to ensure that this development is factored in when considering timescales. Managers should link in with Leadership & OD Teams to ensure the appropriate development support is available.

7.7. Monitoring of progress

7.7.1. During the review period, the employee's progress must be monitored by the line manager on an on-going basis, and meetings arranged as necessary to provide support and feedback to the employee. Both the manager and the employee must

adhere to commitments made to training, support, planned development and include reasonable adjustments where required etc.

- 7.7.2. It is essential that a clear written record of both the employee's performance and the measures put in place within the defined and agreed timescales to support the employee is maintained in a performance and capability action plan (i.e Action plan, outcome letters, any notes made).
- 7.7.3. At the end of the identified timescale a formal meeting should be held with the employee to inform them of the outcome of the review. The attendance at this meeting will be in line with those at the initial formal meeting.
- 7.7.4. In general, the outcome communicated will be one of the following:
- The employee's performance is now satisfactory
 - Improvement has been made with a further period of review necessary.
 - Or the employee has failed to improve or to display sufficient improvement and that a Formal Performance Capability Hearing will be organised. There are a number of potential outcomes from this meeting including a mandated change in role or in exceptional circumstances dismissal from the Trust's service is a possible outcome.
- 7.7.5. Details of the formal meeting including the outcome should be confirmed in writing.
- 7.7.6. In circumstances that a further review period is required then the steps outlined above would be maintained as appropriate.
- 7.7.7. The necessary data protection guidelines should be maintained when retaining documentation.

8. Performance and Capability Hearing (Stage 3)

8.1 If the required standard of performance has still not been achieved, despite appropriate support being put into place, a Formal Performance Capability Hearing will be convened. Employees are entitled to be accompanied by a staff-side representative or workplace colleague at the hearing. Managers undertaking these responsibilities will be provided with the appropriate level of HR support. A Cultural Ambassador or safeguarding representative may also be present, if required, to ensure fairness and consistency of process.

8.2 The requirements as regards to the seniority of the chair of such a hearing are outlined below:

- Substantive positions of Agenda for Change Band 8c or above.
- Seconded managers in roles attracting AfC Band 8c or above (who have gone through the normal/full recruitment and selection process). This does not apply to those on development opportunities.
- Substantive band 8b post holders with the agreement of the joint Staff Partnership Forum chairs.

8.3 There is a requirement for a management report prepared by the line manager, which demonstrates the efforts that have been made to improve performance. This should be shared with the employee prior to the Performance and Capability hearing, within 14 calendar days of the hearing.

8.4 The chair should take into account all relevant factors in considering the outcome of the hearing; these should include:

- Reasonableness of the performance targets which have been set and whether these have been clearly communicated to the employee.
- The training and support that has been made available to the employee both in advance of and during the review period.
- The response from the employee including any mitigations.

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- Performance in comparison with others and the seriousness of the performance concerns.
- Whether there has been sufficient opportunity for the employee to improve and whether there has been adequate consideration at review meetings.
- The risk to the organisation and team of not achieving the required standard of performance.
- Any reasonable adjustments that are in place.
- The employee's previous service and performance.

NB The above list is not exhaustive.

8.5 In coming to a decision on the matter possible options available to the chair include the following:

- Sanctions:
 - The employee may remain in their current job and further targets for improvement may be set and a timetable for review stipulated.
 - In exceptional circumstances and in consultation with HR and occupational health, the restructuring of the employee's job to match their abilities may be considered with the appropriate pay/re-grading and review arrangements made. There will be no protection of salary or wages in such circumstances.
 - Redeployment into a suitable post at the same grade – (a vacancy must exist).
 - Dismissal or Action Short of Dismissal, this may include demotion or moving to an alternative role which may be at a lower banding.
 - Dismissal with notice or payment in lieu of notice (If contractual).

8.6 Refusal to accept suitable alternative employment will result in dismissal from the Trust.

- 8.7 If it is decided that no further action is required then further review arrangements must always be made. The employee must be advised that if there is not consistent and sustained improvement in their performance over the review period then the case will be referred back for consideration and that this could lead to dismissal from the Trust's service. This second formal review period will be no longer than 12 months, however should the same or similar concerns arise then the employee will re-enter the stage of this policy as appropriate, this could include a further capability hearing.

9. Appeal (Stage 4)

- 9.1 Appeals should be made in writing by the employee to the Director of Workforce within 7 calendar days of receipt of the letter informing them of the outcome of the formal Performance and Capability Hearing.
- 9.2 When lodging an appeal, the employee should state the grounds of their appeal, which are likely to fall into three categories:
- The outcome.
 - The level of the sanction imposed.
 - Procedural issues.
- 9.3 The grounds on which the employee chooses to appeal will be considered when determining how the appeal will be handled. For example, if the grounds for the appeal relate to the level of the sanction imposed, then the appeals panel may confine their deliberations to this issue. If it is claimed that there are procedural irregularities, it may be necessary to conduct the appeal on the basis of a re-hearing to remedy any potential previous failings.
- 9.4 Any appeal will normally be heard within 28 calendar days of receipt of the appeal letter, unless circumstances arise including, for example, issues regarding the availability of the relevant parties. In such cases, the HR Operations team will notify the

employee of the delay, which will not normally be more than an additional 14 calendar days, and reason for it.

- 9.5 Appeals will be allowed both in the case of dismissal and in circumstances that a decision is made that the employee is subject to a sanction short of dismissal. Appeals concerning a sanction short of dismissal may be considered by an appeal panel who are less senior than a panel which considers an appeal against dismissal.

Any appeal by the employee must provide a rationale for the appeal and be submitted within (use same timescales as disciplinary policy)

- 9.6 The Appeal Hearing will follow a similar format as the Performance and Capability Hearing.

10. Further Information

10.1 Record keeping

Managers must maintain records including written notes at all stages in the application of the Policy and Procedure including any measures put in place to support employees. These records must be kept in employee's personnel files and kept in line with the current data protection guidelines.

10.2 Pauses in process at any stage

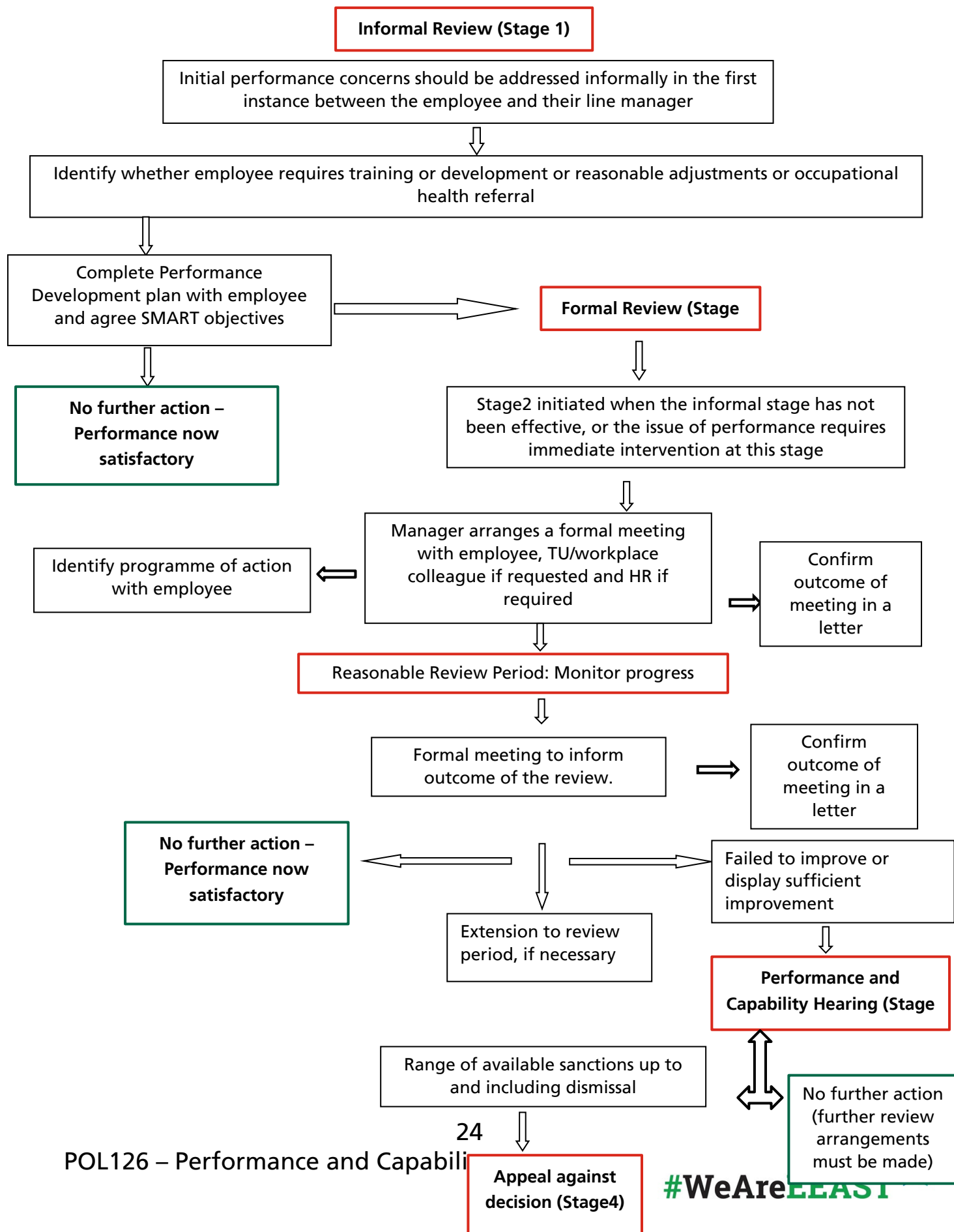
Submitting a grievance does not automatically stop the performance and capability process. Should an employee raise a grievance that is related to the case, then the manager could consider pausing the process for a short period whilst the grievance is addressed but may decide to continue after all issues have been considered. Advice should be sought from the HR representative as appropriate

- 10.3 Where the employee enters a period of sickness absence then this will be managed under the Trusts sickness absence management policy. Consideration will be given to the process being paused and if necessary OH advice can be taken prior to recommencing it.

11. Policy Review

- 15.1 This policy will be reviewed on a three-yearly basis or amended in the light of new employment legislation and/or relevant case law or if a significant issue arises with its operation.

Appendix 1 - Performance and Capability – Process flowchart



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Appendix 2

Performance and Capability Action Plan

Use the tab or F11 key to move between fields. The form may then be saved and printed or emailed.

| | | | |
|---|--|--|--|
| Name of Employee: | | Name of Manager: | |
| Date of Informal Review Meeting: | | | |
| Date of Formal Review Meeting: | | Informal Review (Stage 1) Assessment: | <input type="checkbox"/> Achieved Action Plan <input type="checkbox"/> On Target to Achieve Action <input type="checkbox"/> Action Plan Not Met |
| Date of subsequent meetings Insert additional rows for more meetings if required before the final review, especially in LTS cases | | Stage 1 Assessment contd: | <input type="checkbox"/> Achieved Action Plan <input type="checkbox"/> On Target to Achieve Action Plan <input type="checkbox"/> Action Plan Not Met |
| Performance & Capability Hearing: | | Formal Review 1 (Stage 2) Assessment: | <input type="checkbox"/> Achieved Action Plan |

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| | | | |
|--------------------------|--|--|---|
| | | | <input type="checkbox"/> On Target to Achieve Action Plan <input type="checkbox"/> Action Plan Not Met |
| | | | |
| Issues Identified | | | Reason |
| 1. | | | |
| 2. | | | |
| 3. | | | |
| Agreed Actions | | | Expected Action Plan Completion date |
| 1. | | | |

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| | | |
|---|--|--|
| 2. | | |
| 3. | | |
| Agreed Trust Support Identified: (e.g. Training, Shadowing, Coaching, etc) | | |
| | | |
| Review Meeting (Date and Time): | | |

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Review Notes:

Reference checklist to consider:

- Identify the principal areas of satisfactory work.
- List the areas of the job where performance has been identified as requiring improvement and detail any specific problems.
- Identify the effect or potential effect on service delivery.
- Identify how each area of the job must be improved, addressing any quality or quantity issues as appropriate.
- List the timescale for improvement against the identified job areas and state how this will be monitored.

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- Identify action to help improve performance e.g. supervision, training, written guidance or programmes of work.

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| | |
| Next Review Meeting (Date and Time): | |
| Review Notes: | |
| | |
| Closure Notes: | |
| | |
| Signature (Employee): | Signature (Manager): |

Appendix 3

Equality Impact Assessment

| EIA Cover Sheet | |
|--|---|
| Name of process/policy | Performance and Capability Policy |
| Is the process new or existing? If existing, state policy reference number | V0.6 |
| Person responsible for process/policy | Director of Workforce/Deputy Director of Workforce |
| Directorate and department/section | Directorate: Workforce |
| Name of assessment lead or EIA assessment team members | Equality Impact Assessment panel members and Chairs of the Diversity networks |
| Has consultation taken place? Was consultation internal or external? (please state below): | <ul style="list-style-type: none"> • HR Policy Sub-Group • Unison Regional Group • Head of Ops • SPF • CRG • Director of Culture • BME Network • AWE Network • Disability Support Network • LGBT Support Network • Multi-Faith Network |

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| | | |
|----------------------------------|---|---|
| The assessment is being made on: | | |
| | Guidelines | |
| | Written policy involving staff and patients | X |
| | Strategy | |
| | Changes in practice | |
| | Department changes | |
| | Project plan | |
| | Action plan | |
| | Other (please state) Training programme. | |

Equality Analysis

What is the aim of the policy/procedure/practice/event?

The primary purpose of the Performance and Capability policy and procedure is to support staff when it becomes apparent that they require development in areas in reaching required standards in their role. It also informs, helps, and guides Trust managers and supervisors to deal with performance and capability issues in a fair, consistent, and supportive manner.

Who does the policy/procedure/practice/event impact on?

| | | | | | |
|---------------|----------|-----------------------------|----------|-----------------------------------|----------|
| Race | × | Religion/belief | × | Marriage/Civil Partnership | × |
| Gender | × | Disability | × | Sexual orientation | × |
| Age | × | Gender re-assignment | × | Pregnancy/maternity | × |

Who is responsible for monitoring the policy/procedure/practice/event?

Workforce Directorate

What information is currently available on the impact of this policy/procedure/practice/event?

The Policy Links into:

- Capability Policy
- Learning and Development Policy
- Sickness Absence Policy
- Recruitment and Selection Policy
- DBS Policy
- EDI Policy
- Dignity at Work Policy
- Occupational Health and Wellbeing Policy
- Disability Policy

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- Disability Policy ToolKit
- Disciplinary Policy
- Grievance Policy
- Freedom to Speak up Raising concerns Policy
- Maternity Policy
- Paternity Policy

Do you need more guidance before you can make an assessment about this policy/procedure/ practice/event? **NO**

Do you have any examples that show that this policy/procedure/practice/event is having a positive impact on any of the following protected characteristics? Yes/No, If yes please provide evidence/examples:

| | | | | | |
|--------|---|----------------------|---|----------------------------|---|
| Race | ✗ | Religion/belief | ✗ | Marriage/Civil Partnership | ✗ |
| Gender | ✗ | Disability | ✗ | Sexual orientation | ✗ |
| Age | ✗ | Gender re-assignment | ✗ | Pregnancy/maternity | ✗ |

Positive Impact is recorded via: Staff Surveys/ Pulse Surveys/WRES/WDES/EDS2/Gender Pay Gap.

Ensure use of reasonable adjustments in cases of disability.

Are there any concerns that this policy/procedure/practice/event could have a negative impact on any of the following characteristics? Yes/No, if so please provide evidence/examples:

| | | | | | |
|------|---|-----------------|---|----------------------------|---|
| Race | ✗ | Religion/belief | ✗ | Marriage/Civil Partnership | ✗ |
|------|---|-----------------|---|----------------------------|---|

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| | | | | | |
|---------------|----------|-----------------------------|----------|----------------------------|----------|
| Gender | × | Disability | × | Sexual orientation | × |
| Age | × | Gender re-assignment | × | Pregnancy/maternity | × |

No Negative Impact Recorded.

Action Plan/Plans - SMART

Specific

Measurable

Achievable

Relevant

Time Limited

Evaluation Monitoring Plan/how will this be monitored?

Who

How

By

Reported to