MANAGING POOR WORK PERFORMANCE POLICY

Summary

The Managing Poor Work Performance Policy provides the Trust’s approach towards effectively managing staff in order to support the highest standards of patient care. To accompany this policy is a separate Managing Poor Performance Procedure document which details the processes to be followed by managers when managing poor work performance, whether due to a lack of capability, skill or aptitude. The Managing Poor Performance Procedure is available on the Intranet.

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1. INTRODUCTION AND POLICY STATEMENT

1.1 The Royal Marsden NHS Foundation Trust (hereinafter called the Trust) recognises that the effective management of performance is essential if it is to achieve the highest standards of patient care.

1.2 An employee’s performance will be deemed to be below the required standard when they are unable to satisfactorily carry out the duties of their post, which may be due to a lack of skill or aptitude. Where poor performance is due to a deliberate or wilful lack of care and attention, or negligence, the Disciplinary Policy and Procedure should be followed.

1.3 Where possible, issues of poor performance will initially be handled informally between the line manager and member of staff. Formal action will only be taken where initial action has not led to the improvement required, or where the poor performance is of a more serious nature. Where it is necessary to move to the formal stage of the Managing Poor Performance Procedure, all managers who chair these formal meetings should have appropriate training.

2. PURPOSE AND SCOPE

2.1 The purpose of the Managing Poor Work Performance Policy and Managing Poor Performance Procedure is to set out arrangements for managing poor work performance that may be due to a lack of capability by reference to skill or aptitude. It also sets out the rights and responsibilities of managers, staff and

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1 The definition of capability under the Employment Relations Act 1996 is, “Capability assessed by reference to skill, aptitude, health or any other physical or mental quality.”
representatives. When a manager has been unable to establish if unsatisfactory performance is related to a capability or conduct issue, the Trust’s Managing Poor Performance Procedure will be followed. This does not prohibit a move to the Disciplinary Procedure if it later becomes clear the unsatisfactory performance is due to a conduct matter.

2.2 The aim of the policy and procedure is to ensure that cases of poor performance are dealt with in a supportive and fair way in order to help the employee achieve the required level.

2.3 The policy and procedure applies to all staff directly employed by the Trust, including individuals holding honorary contracts but excluding bank workers. Newly appointed staff, directly employed by the Trust, will be subject to a shorter procedure during their first 12 months of employment by the Trust, similar to a probationary period.

2.4 Medical and dental staff are subject to a separate procedure as provided for under ‘Maintaining High Professional Standards (MHPS)’. When any formal action against pharmacists is being considered the investigating manager will consult with NCAS (the National Clinical Assessment Service for the NHS).

2.5 The Trust believes in providing equity in its services, in treating people fairly with respect and dignity and in valuing diversity both as a provider of cancer and community health services and as an employer.

3. GENERAL PRINCIPLES

3.1 The Trust will seek to ensure that the issues of poor performance are brought to the employee’s attention at the earliest opportunity so they are given the chance to improve.

3.2 Whenever possible and appropriate, initial concerns about poor performance will be handled and resolved through the informal stage of the Managing Poor Performance Procedure.

3.3 Employees will be given the opportunity to improve and will be provided with support and training, where appropriate, to help them reach the required level of performance. Formal action will be taken where initial informal action has not led to the required improvement in performance. In more serious cases of poor performance, action may be taken at any stage of the procedure, if this can be justified by the seriousness of the circumstances. Examples of when this may be appropriate include situations where there is a danger to patient safety or other health and safety considerations or when it is clear that a person who has been appointed lacks the basic skills essential for the post.

3.4 Managers will ensure that all action taken under the Managing Poor Performance Procedure is reasonable and fair.

3.5 Throughout the informal and formal stages of the procedure (except dismissal) an opportunity will be given for the employee to improve performance.
3.6 Where an employee’s performance does not come up to the required standard because of issues relating to health or any other physical or mental quality the matter will be handled in line with the Trust’s Policy for Managing Sickness Absence. This does not prohibit a move to the Disciplinary Procedure if it later becomes clear the poor performance is a misconduct matter.

4. ROLES AND RESPONSIBILITIES

4.1 Managers are responsible for:

- Ensuring that new staff attend the Trust’s induction programme and receive a local departmental induction
- Ensuring that staff have a job description, which is reviewed and updated as necessary, and that they are aware of the Trust values and the standards expected of them
- Appraising their staff on an annual basis and ensuring that they are given clear SMART (specific, measurable, achievable, realistic, timebound) objectives and have a Personal Development Plan (PDP)
- Bringing any concerns about an employee’s performance to their attention as soon as the issue becomes apparent and trying to establish the reasons for the poor performance
- Where an investigation is required ensuring this is undertaken in a fair and timely manner
- Ensuring that corrective informal action is taken where appropriate
- Seeking advice from Human Resources where it is likely that action will be taken under the formal stages of the procedure.

4.2 Human Resources are responsible for:

- Ensuring that new employees are aware of this policy and procedure and are able to access it
- Advising managers at each stage of the formal procedure. This will include supporting managers during investigations and at formal work performance meetings
- Monitoring the application of this policy and procedure to ensure it is applied in a fair and consistent way across the Trust
- Monitoring and recording the outcome of actions taken under the formal stages of the procedure.

4.3 Employees are responsible for:

- Ensuring that they perform the tasks and responsibilities of their role to the best of their ability and to achieve the standards of performance required by the Trust and their department
- Ensuring they raise any issues which may affect their performance with their manager as soon as they occur, so support, if appropriate, can be given
- To co-operate with any investigation about poor work performance
- Requesting that warnings are removed from their personal file on their expiry.
5. REPRESENTATION

5.1 During the informal stage, i.e. work performance discussion, the matter will be handled informally by the manager with the employee on a one-to-one basis. The employee may, if they wish, seek advice from the Human Resources Department or from their Trade Union or Professional Association.

5.2 At the formal stages of the procedure the employee has a right to be represented by a trade union representative or an officer of a recognised Trade Union, or Professional Association, or by a work colleague who is an employee of the Trust. The representative will be allowed to address the meeting but not to answer questions on the employee’s behalf. Efforts will be made when arranging work performance meetings to accommodate the availability of the Trade Union Representative or work colleague.

5.3 Where action involving an accredited Trade Union representative is contemplated, then the case will be discussed with a senior Trade Union representative or full time officer before any action is taken.

5.4 If the employee is unable to attend the formal meeting date arranged because of circumstances beyond their control, he/she must inform their line manager or the appropriate Senior Employee Relations Adviser as soon as possible. A postponement of up to a week will be allowed or longer in exceptional circumstances. If there is an unacceptable delay because of the non-availability of the chosen companion, the employee will normally be expected to arrange for an alternative trade union representative or work colleague to attend. If there is a failure to attend without explanation, or if the employee is persistently unable or unwilling to attend without good cause, then the meeting may be conducted in their absence and a decision made on the evidence available.

6. POLICY REVIEW

6.1 Overall responsibility for this policy and procedure rests with the Director of Workforce. This policy and the associated procedure will be reviewed at the date stated and may be subject to change at that time, or at an earlier date if necessary, subject to consultation with staff representatives recognised for that purpose.

Note: Please refer to the Managing Poor Performance Procedure which details the processes to be followed by managers when managing poor work performance. This document is saved on the Trust Intranet.