



## **Conditions of Service**

### **Section Two - Competence Initiative – Pay and Grading**

## **Section two - competence initiative – pay and grading**

### **4 Job evaluation**

- 4.1 The Equality Act 2010 defines a job evaluation scheme as a study undertaken to evaluate the jobs being done “in terms of the demands made on a person by reference to factors such as effort, skill and decision making”.
- 4.2 Under the Service Level Agreement with South Lanarkshire Council (SLC), the Trust’s Job Evaluation process is carried out by Corporate Personnel Services. The South Lanarkshire Council 555 Scheme, is an analytical scheme and this means that jobs are looked at on a task basis then assessed against components or demands, known as factors, and scores are awarded for each factor. The formula per task is built up to provide an overall grade across the highest 33% of time.
- 4.3 It is important to recognise that any assessment of a job’s total demands relative to another will always contain elements of subjectivity. The aim of the scheme is to minimize subjectivity and make decisions about jobs in a rational, consistent and transparent manner. The outcomes are published matrices.
- 4.4 The ACAS guide on job evaluation states that the aim of a job evaluation scheme is to provide a hierarchy of jobs that is free from discrimination and “felt to be fair”. To ensure that job evaluation is “felt fair”, ACAS recommend:
  - Involvement and communication with employees;
  - A thorough and systematic process for gathering information;
  - Employees have an understanding of the basis on which jobs are to be evaluated and
  - A consistent method of evaluation.
- 4.5 The job evaluation scheme applies to all employees.
- 4.6 The South Lanarkshire Council 555 Grading Scheme is used to determine the value of jobs relative to others in the organisation; spinal column point range applicable to tasks and broad band in which tasks lie.
- 4.7 The job evaluation handbook provides employees and managers with the knowledge of how the South Lanarkshire Council 555 grading scheme complies with these recommendations and this handbook must be referred to prior to any job evaluation submission. This ensures that all employees and managers affected by the policy understand the following:
  - Who the stakeholders are within job evaluation and their key roles and responsibilities throughout the process (refer to section 4 of the Handbook)
  - The six principles of job evaluation and the importance of consistent application of the scheme. (Refer to section 5 of the Handbook)
  - The five stage job evaluation process and the importance of each stage and detailed understanding of what happens at each stage (refer to section 6 of the Handbook)
    - Stage 1: gathering the tasks and evidence associated with the role by completing the job evaluation tracking form;
    - Stage 2: submission of the job evaluation form to the HR team who in turn will submit to SLC’s Competence Initiative Coordinator;
    - Stage 3: job analysis through tasks;

- Stage 4: determining the evaluated outcome; and
    - Stage 5: right of appeal
  - The process for grade outcome, implementation and monitoring of grades (refer to section 7 of the Handbook)
- 4.8 The arrangements for job evaluation take into account all factors of the job including any unsocial hours worked – see paragraphs 4.21-4.24.
- Hours of duty**
- 4.9 The Trust does not distinguish between full and part time employee as employees are contracted for a number of hours to provide a particular service.
- 4.10 Working hours are constructed to reflect the service needs subject to a maximum of 43 hours per week over an average set period. These additional hours are built into the job and factored into the grade at plain time.
- 4.11 The notional working week is based on service needs in consultation with the Trade Unions.
- 4.12 The Trust operates a variety of working arrangements. These would have formerly been described as part time, term-time, job share, flexible working, seasonal hours, annualised hours and full time but are now known as ‘variable working arrangements’.
- 4.13 Any hours worked in addition to the contractual working week must be authorised and approved before the additional hours can be undertaken. For any authorised hours worked, the appropriate hourly rate will apply. See paragraphs 16.13 – 16.16 for further details. Managers are responsible for ensuring that accumulated flexi credits are utilized where possible and/or time off in lieu (TOIL) is used, therefore reducing the need to authorise overtime.
- 4.14 The hours worked by an employee graded 3 and above will be those required to fulfill the duties and responsibilities of the post and will be worked according to the needs of the service. Payment for additional hours for Grade 3 and above will be by exception and will be subject to authorisation, in advance, by the General Manager
- 4.15 Managers are expected to use flexible or variable working practices to deal with service peaks and troughs and can agree situations with employees or groups of employees where time off in lieu is appropriate. Where the practices detailed above in paragraph 4.6 have not been implemented, time worked beyond 37 hours will be paid at time and a half and be subject to the following conditions:-
- The overtime ceiling will be equivalent to the current spinal column point 74.
  - An employee whose basic salary is below spinal column point 74 is eligible for payment of overtime subject to authorisation and to the conditions set out below.
- 4.16 An employee whose basic salary is at or above spinal column point 74 is not eligible for payment of overtime except where payment has been authorised.

- 4.17 In exceptional circumstances where a Senior Manager considers that a payment should be made to an employee who is paid on or above spinal column point 74 consideration may be given to a payment at spinal column point 74. In this connection the Senior Manager must submit a request for payment to the General Manager, for consideration prior to the overtime being worked.
- 4.18 Extra time of less than half an hour in any one day will not count as overtime. All overtime of half an hour or more on any one day will be aggregated for each week and only completed half hours will be paid.

### **Transitional arrangements**

- 4.19 There are transitional arrangements in place primarily for those employees who had a contractual entitlement as at 31 March 2004 to be paid double time for Sunday overtime working who will continue with this arrangement on a personally preserved basis. However, this condition will lapse should the employee be promoted or regraded to a post at a salary level higher than the original post.
- 4.20 In other cases, for groups of employees, their package of terms and conditions contains arrangements for enhanced overtime payments. Where this is in place, employees will have been notified separately.

### **Unsocial hours**

- 4.21 The Scheme has been developed to take account of all hours worked out-with the Trust's identified core hours which are as follows:-
- |                     |                   |           |
|---------------------|-------------------|-----------|
| Core Hours of Work: | Monday – Friday   | 7am – 8pm |
| Non Core Hours:     | Monday – Friday   | 8pm – 7am |
|                     | Saturday & Sunday |           |
- 4.22 A basic principle of SLC's grading scheme is that the evaluated grade is based on the highest graded 1/3 of the tasks undertaken. The scheme also takes into consideration all hours worked out-with the Trust's identified core hours.
- 4.23 The rationale when assessing the recognition of variable working patterns is applied on the basis of:
- The percentage of time spent working out-with core hours – Since the full weekend is used in the criteria, it is essential to use 5 day working as the basis for calculation. Therefore, an employee working less than 5 days will have their working pattern extrapolated out over 5 full days.

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The same criteria will apply to part-time working over a 5 day period where the part-time hours worked each day will be extrapolated out to 7 hours per day.

- 4.24 Low, medium, medium plus or high criteria would be applied dependent on the working pattern undertaken and the percentage of time spent working out-with core hours, this equates to:

<b>Criteria</b>	<b>% of time spent working out-with core hours</b>	<b>Increment payable</b>
None	0% to 19%	0 increment
Low	20% to 29%	1 increment
Medium	30% to 49%	2 increments
Medium Plus	50%to 59%	3 increments
High	60% to 100%	4 increments

### **Standby/Call Out**

- 4.25 The nature of the appointment of certain employees makes it necessary for them to be prepared to carry out standby duties. Standby duty refers to a specific rostered arrangement whereby employees are under an obligation outside their normal working hours (including Saturdays, Sundays and public holidays) to remain on call and to be called out for emergency duty.

With the exception of the General Manager and Senior Managers, employees required to undertake these duties, where they are not already reflected in the grade of the post, will be entitled to payment in accordance with 4.20 below.

### **Payment for Standby**

- 4.26 An employee performing standby duty will be paid an allowance in accordance with the agreed rates.

Each 24 hour of standby is to commence at the beginning of the working day (or at the same time on a non working day).

### **Payment for employees not on standby**

- 4.27 Employees not undertaking standby duty but who are contacted or called out will be paid in accordance with the agreed rates.

An employee will only be entitled to one such payment within each 2 hour period, commencing at the start of the standby session.

Where an employee is entitled to such a payment and where that or subsequent call out is in excess of one hour, the employee will be entitled to further payment of the whole of the call out at the appropriate overtime rate.

### **Call out payments**

- 4.28 An employee undertaking standby duty who is contacted or called out in accordance with agreed arrangements will be paid in accordance with the agreed rates.

An employee will only be entitled to one such payment within each 2 hour period, commencing at the start of the standby session.

Where an employee is entitled to such a payment and where that or subsequent call out is in excess of one hour, the employee will be entitled to further payment of the whole of the call out at the appropriate overtime rate.

### **Call out on a public holiday**

- 4.29 Employees required to undertake standby duty on a public holiday will be granted, in addition to the appropriate payment, appropriate annual leave.

### **Pay cycle**

- 4.30 All Trust staff are paid by credit transfer on a fortnightly basis. In the unlikely event of any overpayments being made in error, these will be recovered directly from an employee's pay after consultation with the employee, and if necessary, their Trade Union, following the agreed Overpayment Procedures. Similarly, repayment of any underpayments will be made directly into an employee's pay.

### **Calculation of a day's pay**

- 4.31 Payment is based on the spinal column point of hourly rates. Calculation of a day's pay will be on the basis of the daily contracted hours worked.

- 4.32 To allow the calculation of day's pay the following formula would be applied:-

Hourly rate x daily contracted hours = daily earnings.

### **Annualised hours**

- 4.33 For irregular working patterns, calculation of a day's pay would be based on the following formula:-

Hourly Rate x Average daily contracted hours = daily earnings

### **Allowances**

- 4.34 An employee, who is required by the Trust to be a designated First Aider, must hold a current certificate in first aid for which an annual allowance will be paid. The Certificates required are those approved by the Health and Safety Executive for the purposes of the Health & Safety (First Aid) Regulations 1985. For details of the allowance, please refer to appendix one of this section.

- 4.35 Employees, who work at home on a long term basis and are classed as 'home workers', will receive an annual allowance in respect of additional expenses incurred i.e. heating, lighting, and the use of electricity for computer equipment. The allowance will be paid in equal fortnightly instalments and on a pro-rata basis for those who work at home for part of the week. The allowance is not payable to employees who may work at home on an occasional basis. In addition, the Trust will cover any necessary telephone costs. For details of the allowance, please refer to appendix one of this section.

## **5 Competence**

- 5.1 The Trust's grades operate on the basis of broad bands. Where an employee is placed within the grade depends on the employee's personal competence assessed using the Performance and Development Review process.
- 5.2 The Competence Initiative Handbook provides employees and managers with detailed knowledge of the standards of performance expected. This ensures that all employees and managers affected by the policy understand the following:
- Setting standards of performance and key responsibilities of employees, managers', HR teams and trades unions (refer to section 1 of the Competence Initiative Handbook)
  - Where applicable to the role, the relevant codes of professional standards, performance, conduct and ethics (refer to section 2 of the Competence Initiative Handbook)

### **Job families (refer to section 4 of the Competence Initiative Handbook)**

- 5.3 A job family is a broad grouping of posts that are related either by similarity of tasks performed or transferability of knowledge and skills from one occupation to another. By using job families, these posts link into the Competence Initiative scheme whereby career progression can be identified both within and out-with the broad band.

### **Career progression**

- 5.4 The PDR process will allow employees to plan and develop their career which will be subject to the overall conditions of the Competence Initiative process.

### **Job families and recruitment**

- 5.5 Job families will identify career paths, promotion opportunities, career enhancement opportunities and new opportunities for development.

### **Incremental progression**

- 5.6 In certain cases, where jobs have tasks that are more complex and it takes the post holder several years to become fully competent in the evaluated tasks, the grade will have incremental progression reflecting the employee's developing competence. Details of this will be incorporated into the employee's offer of appointment.

### **Re-grade**

- 5.7 Where an employee is undertaking tasks at a higher level within the evaluated broadband and supported by PDR content that confirms that the delivery is to an acceptable competence standard then the manager can progress the pay of the employee. This process involves the completion of the Competence Initiative Progression form which requires detailed evidence of the employee operating at the higher tasks, demonstrating the required levels of competence and task delivery and requires sign off from Manager, Senior Manager and HR.

Grade progression for Grade 4 and 5 employees must follow the Competence Initiative regarding request and then authorisation by SLC's Corporate Personnel Team.

### **Promotion**

5.8 Salary placing on promotion will be in line with the Competence Initiative process.

### **Application of scales**

5.9 On entry to the service, initial salary placing will be determined via the Competence Initiative process and will normally be the first point of the appropriate grade.

### **Returning from secondment**

5.10 In the event of an employee requiring to be redeployed following a temporary secondment / contract, the undernoted arrangements shall apply:-

- For seconded posts, redeployment will be at the substantive grade held prior to the secondment not necessarily to the former work area and/or similar function.
- The substantive post will be reviewed in line with the Competence Initiative; placing on the substantive grade at redeployment will take account of normal incremental progression.

5.11 On return from secondment any increase in competence level acquired will be taken into account via the Competence Initiative Process.

**6 Performance and development review** (refer to section 5 of the Competence Initiative Handbook)

**PDR framework**

- 6.1 The Trust has in place a Performance and Development Review framework which consists of key work objectives, core/job specific/management competencies, and is linked to training and development. As part of the framework, employees will meet with their manager twice per year.
- 6.2 The first meeting will be to discuss the setting of key work objectives and competencies, with an interim meeting held six months later to review progress. Approximately 12 months after the review framework has been agreed, employees and managers should meet again to review and share information and feedback in relation to the agreed objectives and core/job specific/management competencies.
- 6.3 The PDR cycle will normally run between April and March of each year.

**Investors in People (IIP)**

- 6.4 South Lanarkshire Leisure and Culture is recognised as an Investor in People (IIP).
- 6.5 IIP is the national standard for good practice in learning and development to achieve business goals. The IIP award demonstrates the Trust's commitment to developing its people to achieve its aims and objectives.
- 6.6 The standard is based on four key principles:-
  - Commitment;
  - Planning;
  - Action;
  - Evaluation.
- 6.7 The Trust benefits from having IIP status in a number of ways including improved reputation, increased motivation, higher morale, better employee relations and effective service delivery as a result of the workforce receiving appropriate training and development to enable them to carry out their jobs more efficiently and effectively.

**Learning and development**

- 6.8 The Trust's Training and Development Plan links to area and individual plans which provide the focus for the identification of training and development priorities. The training and development plan is designed to meet the service needs both now and in the future, taking into account the individual needs of employees. This enables the Trust to meet its strategic aims and objectives through the development of its employees. In order to ensure its accessibility, training and development provisions are designed to take account of the diversity of employees' training needs and learning styles.
- 6.9 The Trust's objectives for its training and development programmes include:-

- Enabling the Trust to attain its strategic objectives by investing in its employees;
  - Promoting equality of access to learning;
  - Encouraging employees to develop their skills and level of responsibility to maximise their own potential;
  - Widening and modernising the skills profile of employees to maximise their versatility, flexibility, employability and as such their job security;
  - Enabling employees to raise productivity, quality and customer service in pursuit of sustainable improvement.
- 6.10 All training and development carried out within the Trust is designed to meet the requirements of an employee's job role which in turn links with the Business plan. In the first instance individual employee development needs are identified through the performance and development review (PDR) process. This process will result in a Personal Development Plan (PDP) which will identify prioritised training and development needs and appropriate timescales to carry them out.
- 6.11 Continuous Professional Development (CPD) is expected from all employees who are required to keep up to date with developments in their profession.
- 6.12 The Trust is a learning organisation committed to Lifelong Learning. All employees are therefore encouraged to participate in learning and development opportunities which may not always be job related.
- 6.13 There are a number of initiatives in place to allow Lifelong Learning through our Service Level Agreement with SLC e.g. Personal Development Initiative (PDI), individual learning accounts (available through ILA Scotland) and adult learning through the community learning partnership. The PDI offers employees a free place on any SLC training event and in return the employee is required to use their own time to undertake the training.

In addition, South Lanarkshire Council's Learning Resource Centres and Libraries are available to all employees and their families, to make use of in their own time.

### **Types of training**

#### **Induction**

- 6.14 An induction framework is in place to ensure that all new employees to the Trust receive appropriate training and support. The framework identifies Corporate and local based induction and takes account of the needs of new entrants as well as a change of role, promotion and people returning from a period of long term absence, career break or from maternity leave.

#### **Corporate training programmes**

- 6.14 The training programmes below are designed to equip managers and supervisors, at all levels within the Trust, with the skills, knowledge and competencies to undertake their post effectively.
- Leadership Development Programme (LDP) - Aimed at senior managers.
  - Management Development Programme (MD) - Aimed at middle managers.
  - Front Line Manager Programme (FLM) - Aimed at front line managers.
  - Practical Supervision Programme (PSP) - Aimed at supervisors.

Full details of the content of each programme can be found in South Lanarkshire Council's Learning and Development intranet site.

### **Vocational Youth Development Strategy (VYDS)**

- 6.16 The Trust employs Modern Apprentices in a variety of occupational areas. All trainees undergo a programme of study and 'on the job training' which leads to an SVQ level 2 or 3 or a Modern Apprenticeship.

### **Other corporate training**

- 6.17 There are also a number of individual training events which can be accessed by employees through the PDR process. Course outlines for all courses delivered by South Lanarkshire Council can be found on the Learning and Development intranet site. Trust staff can access SLC training events as part of our Service Level Agreement.

### **Local specific training**

- 6.18 In addition to training accessed via South Lanarkshire Council, there are a number of Trust specific courses. Details of these can be obtained from the T&D team. Course outlines for most of these training events can be found in the Training and Development Calendar.

### **Scottish Vocational Qualifications (SVQ's)**

- 6.19 Under the Service Level Agreement with South Lanarkshire Council, SLL will offer, where appropriate SVQ's to relevant staff groups. These will be delivered by SLC through their Corporate Personnel Services approved centre. Candidates learn on the job and produce a portfolio of work. This can be done on-line and demonstrates competence as well as knowledge.

Some SVQ's are delivered by external providers which are sourced through employee development. Requirement to undertake a VQ should be identified through the PDR process.

### **E-learning**

- 6.20 As part of SLL's Service Level Agreement with SLC and in order to make as wide a range of learning and development opportunities available across the whole of the Trust, some courses are available via Learn on Line, an e-learning format and can be accessed either from a work based personal computer or through SLC's Learning Resource Centres and Libraries. The site includes a wide range of online interactive courses on a variety of topics designed to meet both employee and Trust needs. In addition the European Computer Driving License (ECDL) qualification is recognised throughout the Trust and the package can be accessed through the Learning Resource Centres.

### **Additional learning methods**

6.21 In addition to formal training programmes the Trust encourages the use of other methods of development, e.g. coaching, mentoring, job shadowing, on the job training etc. There are many advantages to these methods as they can be a cost effective, hands-on way of developing employees to ensure they gain the necessary skills and knowledge to do the job effectively.

### **Monitoring and evaluation of learning and development**

- 6.22 Monitoring and evaluation of all Trust learning and development activities is essential to provide a comprehensive overview of all Trust activity.
- 6.23 Each service area is responsible for maintaining the records of their employees participating in all internal / external courses, professional and vocational learning and development events.
- 6.24 Managers and supervisors identify appropriate learning and development through the PDR process and discuss objectives with the employee.
- 6.25 Delegates will complete a confidential evaluation form at the end of a learning event. A sample of delegates will be asked to complete a learning level evaluation 3 months after learning events, to test the impact on their work practice. All evaluation data is analysed electronically and information is used to review practice.
- 6.26 Access to and participation in learning events are subject to monitoring under the equal opportunities policy.

### **General conditions for supported training**

- 6.27 Whether or not employees have signed a 'Letter of Undertaking' the Trust reserves the right to reclaim course fees and other expenses should an employee fail to make satisfactory progress or attend a course of study supported by the Trust.

### **Letter of undertaking**

- 6.28 Employees who are authorised to attend a further or higher education or vocational qualification course must sign a 'Letter of Undertaking' prior to the start of the course. This also applies to apprentices.
- 6.29 This outlines the Trust's right to reclaim the cost of fees should the employee leave the Trust prior to completion of the course or within two years of either completing or failing to satisfactorily complete the course of study. If an employee moves to another Trust (or local authority) during this period then 50% of the fees will be reclaimed.

### **Recovery of training expenses**

- 6.30 The amount to be recovered if the terms of the Letter of Undertaking are applied should include:-
- Fees for the course of study;
  - Examination fees;
  - Trust contribution to cost of essential texts;
  - Trust contribution to the cost of preparing a thesis;

- Excess travelling expenses;
- Any other grant made by the Trust to the course;
- Any expenses incurred by the Trust in recovering the training expenses.

### **Course and examination fees**

- 6.31 The Trust will pay, in full, all prescribed course, registration and matriculation fees and reimburse all examination fees for an approved course of study.
- 6.32 Employees are required to complete a training and development form which is then authorised by the appropriate manager. An employee who joins the Trust whilst undertaking a course of study may not apply for reimbursement of fees already paid.

### **Reduction in financial assistance**

- 6.33 If an employee receives any other financial assistance towards the cost of the course, the Trust's contribution will be reduced accordingly.

### **Examinations**

- 6.34 Leave of absence, with pay, will be authorised for an employee to sit examinations for an approved course.
- 6.35 Where an employee has failed an examination, he/she will be responsible for the resit examination fees. If the employee fails the resit examination, the nominated senior manager will discuss this with the employee and assess whether the Trust will continue to authorise the employee's attendance at the course.  
Any exceptional circumstances should be advised to the appropriate manager at the earliest opportunity.
- 6.36 Study Leave will be granted by the appropriate manager, for the purpose of final revision for examinations. This will be limited to one day's study leave per examination and any additional time should be taken from the employee's annual leave entitlement.

### **Progress**

- 6.37 Line Managers have a responsibility to monitor the progress of individual employees who are undertaking an approved course to study. This should be done in a structured way and linked to the PDR process. Progress should be reviewed at least once a term and also as part of PDR.

### **Training during public holidays**

- 6.38 Where an employee has a commitment to attend a day release class on a public holiday, no enhanced payment will be made, but the employee will be entitled to the equivalent time off in lieu, subject to the exigencies of the service.

### **Study school**

- 6.39 Where an employee is required to attend a summer school as part of an authorised open or distance learning course, leave of absence, with pay, will be granted.

## **Secondment**

- 6.40 In certain areas there may be secondment agreements, with or without pay, and this will be communicated to relevant employee groups.

## **7. Performance Management Procedures**

- 7.1 These procedures have been prepared to provide a framework which supports the management of performance issues at an early stage within South Lanarkshire and Culture's Performance Development Review (PDR) process.

### **Informal Procedure**

- 7.2 When performance issues are identified, it is essential for the manager and the employee to remedy any problems at the earliest opportunity. Depending on timescales, the manager should not wait for the PDR process to address performance issues and should therefore arrange with the employee as quickly as possible.
- 7.3 The objective of this meeting is to make every attempt to resolve performance problems informally and encourage improvement. To meet this objective, the manager should discuss their concerns and provide an opportunity for the employee to explain why they are having performance issues.
- 7.4 The manager should also consider, for example, if the standards set were inappropriate; was the employee given inadequate instruction, training or supervision? If this is the case, the manager must acknowledge this with the employee and put measures in place to correct this immediately.
- 7.5 Through discussion with the employee, the manager should ascertain whether the performance issue(s) exist due to incapability (ill health); personal/work problems; conduct or incapability (work performance).

#### **7.5.1 Incapability (ill health)**

If the employee has an underlying medical issue the manager should support the employee in accordance with the Maximising Attendance Policy as appropriate to the circumstances.

#### **7.5.2 Personal/work problems**

Where the employee has personal problems they are dealing with outside work, the employee should be encouraged and supported to seek the appropriate help or services, including those available through the Employee Assistance Programme.

If the under performance is related to a poor relationship between the employee and their manager or another colleague, this should be addressed immediately. It may be appropriate to refer to the Mediation Policy or Dignity at Work Policy.

#### **7.5.3 Conduct**

If the under performance is as a result of reasons, for example, negligence or lack of application on the part of the employee, action under the disciplinary procedure may be appropriate.

#### **7.5.4 Incapability (work performance)**

If the manager is of the view that the under performance is because of a lack of ability then there should be a discussion with the employee, to identify the most suitable methods of attaining the skills necessary to carry out the job to the required standard.

### **7.6 Improvement Plan**

7.6.1 Having established the reason(s) for the performance issues, an appropriate improvement plan should be agreed. A collaborative approach should be taken when determining the course of action that will enable the employee to reach the required standard. Action may include, for example:

- The performance/skills “gap” between the employee’s current performance and the required standard
- Suitable methods of attaining the skills necessary to carry out the job to the required standard. Discussion with the Learning and Development team may be appropriate
- Setting clear objectives and targets and
- Scheduling the review meetings and final meeting. The manager and the employee should agree the timescales for review meetings to suit but, as a minimum they should meet every 4 weeks.

7.6.2 Having agreed the plan, the employee will receive a detailed explanation of the improvements required to achieve the set performance standards. This should include written details of the issue, the support that will be provided and agreed dates for review. The employee should also be informed that a continued failure to achieve an acceptable level of performance and subsequently sustain that performance may lead to a formal process being initiated which could lead to dismissal.

7.6.3 The agreed plan should also be recorded in the Employee’s PDR in People Connect or paper version (if no access to People Connect). The section “Performance Development Review” should therefore reflect the agreed improvement plan.

7.6.4 The timescales for improvement should be in line with the improvement plan and consistent with the complexity of the role. This should be no longer than 6 months, however if an extension is required due to availability.....

### **7.7 Review Meeting**

During the period of the improvement plan, the manager and employee will meet on agreed scheduled dates.

7.7.1 Interim Review meetings will::

- Be scheduled to every 4 weeks (as a minimum) within the improvement period
- Be supportive, and the employee and manager can review the improvements that the employee is making; and
- Provide the opportunity to make adjustments to the improvement plan, should this be required, to further enable the employee to obtain the skills

required. Any adjustments should be reflected and updated in the employee's improvement plan.

### 7.7.2 Final Review Meeting

This meeting will take place at the end of the agreed time allocated for the employee to achieve improvement. The outcome of this meeting will determine whether the employee:

- **achieved the performance improvements required.**  
If the employee's performance has improved to the standards required and has met all the targets and objectives as per the improvement plan, then no further action should be taken.
- **has not reached the required standard in full, but has shown a strong commitment to improve.**  
If there is confidence that the employee is close to reaching the standards required the manager may (in discussion with HR) extend the timescales (no longer than 2 months)
- **has not achieved the performance improvements required.**  
Where it is established that the employee is not performing to the standards required a decision will be made as to the most appropriate action which may include formal action.

7.7.3 At the final meeting, employees will have the right to be accompanied by a companion. A companion is either a colleague, accredited trade union representative or an official employed by a trade union.

7.7.4 The outcome of the meeting must be confirmed to the employee in writing no more than 7 calendar days from the date of the meeting.

## Formal Procedure

7.8 Following on from the informal procedure and depending on the reason why the employee is unable to achieve the improvements in their performance the appropriate policy should be followed.

### 7.8.1 Incapability - ill health (refer to Maximising Attendance Policy)

If the employee is underperforming due to health or personal issues it may be appropriate, for example, to make a referral for counseling, occupational health, consideration of redeployment or ill health retirement. If all relevant supports have been exhausted there may be no alternative but to dismiss the employee on grounds of incapability (ill health).

### 7.8.2 Incapability – work performance

There may be circumstances where an employee has had support through an improvement plan, but still remains unable to do their job, for example, if an employee has changed roles but struggled to make the transition even with support.

- **Phase 1 (Area Specific)**  
The specific work area will consider whether the employee has skills which could be utilized through suitable alternative work. To support this assessment the employee will complete a skills profile in line with the SLC's SWITCH 2 procedure. The manager will use this form to establish the employee's key skills and competencies. The form will allow employees to demonstrate their skills and competencies used in their current job and provide for a detailed career history. A review of job profiles aligned to the current area vacancies will take place to enable the area to find a suitable match where the employee's skills are transferable. As part of the transition the employee will also be provided with support and training where necessary.
- **Phase 2 (Trust wide)**  
Where Phase 1 is unsuccessful and the actions of the area can justify no area specific match can be achieved then the employee's application will be matched against Trust wide vacancies. If there are no further options there may be no alternative but to dismiss the employee on grounds of incapability (work performance) grounds. (**refer to 7.9**)

#### 7.8.3 Conduct (**refer to Disciplinary Policy**)

Where the employee is found to be performing unsatisfactorily, for example, due to negligence and/or failure to apply themselves, despite having been given appropriate support, it is normal practice to give the employee a written warning. A further failure to improve performance within a set period would normally result in a final written warning. However, if an employee's unsatisfactory performance is sufficiently serious, it may be appropriate to move directly to a final written warning, by passing a written warning. This might occur where the employee's actions have had, or are liable to have, a serious or harmful impact on the organisation.

A written or final written warning should set out the nature of the poor performance and the change in behavior or improvement in performance required (within a specified timescale). The employee should be told how long the warning will remain current (section 8 of Disciplinary Policy) and they should be informed of the consequences of failure to improve, within the period. Where this may result in dismissal or some other punitive action such as demotion or loss of seniority, this must be stipulated.

#### 7.8.4 Action in serious cases (**refer to Disciplinary Policy**)

It would be unusual to dismiss an employee because of unsatisfactory performance where warnings and a chance to improve had not been given. However, where an employee commits a single error and the actual or potential consequences of that error are, or could be extremely serious, warnings may not be appropriate. The disciplinary procedure allows for consideration of dismissal in such circumstances.

#### **7.8.5 Appeal**

Any employee dismissed by the Trust has the right of appeal. Appeals should be lodged with the Company Secretary by the employee or their trade union representative within 14 calendar days of receipt of notification of the dismissal using the appropriate form.

### **7.9 Consideration of dismissal on Incapability (Work performance)**

Following the final (performance management) review meeting, if the employing area has been unable to find suitable alternative employment (Phase 1) and all other reasonable options Trust wide (Phase 2) have been explored, the employee's contract may be terminated on grounds of incapability (work performance). The following procedure should be followed:

- 7.9.1 The manager and employee should meet to discuss the support that has been provided, and the options that have been considered and taken forward. The manager should explain to the employee that termination on the grounds of incapability (work performance) may be the only remaining option and invite them to attend an incapability (work performance) hearing.
- 7.9.2 In advance of the hearing, all information in relation to the employee's work performance, ie, the improvement plan, relevant letters, information relating to suitable alternative employment identified and any other relevant options considered should be passed to an independent manager who has not been involved in the performance management process. All submissions should follow the established formal hearing process. The independent manager will review the incapability (work performance) case and arrange an incapability (work performance) hearing.
- 7.9.3 Before the hearing takes place the employee will be advised of the purpose of the hearing in writing and will have the right to be accompanied by a companion (ie a colleague, accredited trade union representative or an official employed by a trade union). At the meeting the employee will have an opportunity to explain their views on the case being presented by management. A decision will be reached by the independent manager and the employee will be advised of the decision in writing.
- 7.9.4 Where an employee considers the action taken to be unfair, an appeal may be submitted in writing to the Company Secretary within 14 days of receipt of the outcome letter. The appeal will be heard by the Trust's Board Appeal Panel.

## APPENDIX 1

### **First Aid Allowance**

First Aid Allowance = £362.34 per annum

### **Home workers Allowance**

Home workers Allowance = £250 per annum

Updated May 2011