

NHS Cheshire CCG Performance Management Policy

NHS Cheshire CCG Performance Management Policy
Effective from 03 July 2020

This version supersedes previous versions of policies published by NHS Cheshire CCG or the following former CCGs: NHS Eastern CCG, NHS South Cheshire CCG, NHS Vale Royal CCG and NHS West Cheshire CCG.

Applies to all employees of NHS Cheshire CCG

This document should be read in conjunction with:

- Attendance Management Policy
- Equality and Diversity Policy
- Alcohol and Substance Misuse Policy
- Disciplinary Policy

Policy Revisions and Amendments

Date	Section	Reason for Change	Approved By
October 2018	Throughout	Capability changes to Performance Management	
		Sickness changes to Attendance Management	
		Supervisor has been removed	
	1	Human Rights is replaced by Diversity	
	2	Inclusion of <i>improvement</i>	
	3	Policy Statement The section is removed as it is a duplication of the points above. Other sections have been renumbered to reflect this	
	Revised 3	Paragraph is re-written to advise that is does not refer to medical and dental staff who adhere to the Maintaining High Professional Standards Framework	
	4.2	Poor performance is replaced by under performance Inclusion of <i>regular and effective</i> Measurable objectives is changed to SMART objectives	
	4.3	Inclusion of <i>and how improvement will be measured</i> Inclusion of <i>actively participate and engage</i>	
	5	Inclusion of <i>on a regular basis agreed between the manager and employee</i>	
	7	Inclusion of <i>reasonable</i>	
	9	Inclusion of <i>It is the employee's responsibility to endure that progress is made against the learning and development plan in conjunction with their line manager.</i>	
	10	Inclusion of <i>employed by the same CCG</i>	
	11.1	Monitoring, Coaching and Counselling is changed to Management Guidance Inclusion of <i>style guidance from the line manager</i> Inclusion of <i>that they are within the informal stage of this procedure</i> Inclusion of <i>and how improvement will be assessed</i> Inclusion of <i>and what information is required to be collated for review.</i>	
	11.2 Stage 1	Removal of <i>weakness causing</i> Inclusion of <i>agreed with the employee at the start of the performance management process.</i>	
	11.2 Stage 3	Inclusion of <i>Associate Director</i> Inclusion of <i>including the action plans agreed with the employee</i>	

Policy Obsolete

Date	Reason	Approved By

Contents

1. Introduction.....	6
2. Aim.....	6
3. Scope	6
4. Responsibilities	6
4.1 Responsibility of the CCG	6
4.2 Responsibility of Managers.....	7
4.3 Responsibility of Employees.....	7
4.4 Responsibility of the CCG HR Business Partner.....	7
5. Setting standards.....	7
6. Factors that could cause poor performance.....	8
6.1 Inadequate Selection Methods.....	8
6.2 Inadequate Training	8
6.3 Working Conditions	8
6.4 Lack of Understanding of Job Role	8
6.5 Work Standards.....	8
6.6 Relationships with Colleagues	8
6.7 Domestic Circumstances	8
6.8 Health Problems/Alcohol & Substance Abuse	8
6.9 Inability	8
6.10 Failure to Adequately Fulfil their Duties	8
7. Supporting staff with disabilities	9
8. Performance appraisal process.....	9
9. Personal development	9
10. Right to be accompanied	9
11. Policy in practice: Procedure	10
11.1 Informal procedure.....	10
11.2 Formal Procedure	11
11.3 Serious/gross incompetence	14
12. Appeal process.....	14
13. Monitoring.....	14
14. Performance Management Flowchart.....	15
Appendix 1 - Example of a letter sent to employees to arrange a 1 st /2 nd /3 rd / formal review meeting....	16
Appendix 2- Example of a letter sent to an employee confirming first stage review of unsatisfactory performance.....	17
Appendix 3 - Example of a letter sent to an employee confirming second stage review of unsatisfactory performance	18
Appendix 4 - Example of a letter sent to an employee confirming third stage review of unsatisfactory performance.....	19
Appendix 5 - Example of a letter sent to an employee confirming Dismissal after Third Stage Review	20
Governance Backpage.....	21

1. Introduction

The Cheshire Clinical Commissioning Group (hereinafter known as the CCG) is committed to delivering a high quality service and therefore recognises the importance of managing unsatisfactory performance in a positive and supportive manner.

In managing unsatisfactory performance, it is important to differentiate between unsatisfactory performance due to a lack of ability, skill, knowledge, experience or aptitude, ill-health or disability and unsatisfactory performance due to conduct or negligence.

Where ill health or disability is the reason for unsatisfactory work performance, the CCG Attendance Management Policy should be used.

Unsatisfactory performance due to conduct or negligence, where the employee is capable of carrying out their role, but their performance is inadequate due to lack of attention, motivation, or misconduct the CCG Disciplinary Procedure should be used.

This policy will be applied equally to all staff covered by the policy and in accordance with the CCG Equality and Diversity Policy. The fair and equitable implementation of this policy will be monitored by the CCG HR Business Partner.

2. Aim

The aim of this Policy and Procedure is to provide a framework which will enable managers to identify and address issues of unsatisfactory performance in a fair and consistent manner and to enable the employee to reach the required standard of performance.

To identify constructive action which can be taken to resolve capability problems and through this supportive action enable employees to reach an acceptable standard of work, where possible

To provide a fair and consistent procedure leading to improvement, redeployment or termination of employment where remedial action has been ineffective

3. Scope

This policy applies to all staff employed by the CCG however, clinical capability /competency issues for Medical and Dental staff should be addressed in line with Maintaining High Professional Standards in the Modern NHS Framework.

This policy does not cover the following:

- Poor performance due to ill-health (Attendance Management Policy)
- Poor performance as defined in the Disciplinary Policy
- Poor performance connected to a disability

4. Responsibilities

This policy and related procedures have been written through a partnership of managers, staff side representatives and HR staff.

4.1 Responsibility of the CCG

The responsibility of the provision of an agreed Performance Management Policy and Procedure lies initially with the CCG.

The CCG will ensure, through the line management structure, that staff are appropriately trained for the positions they hold.

4.2 Responsibility of Managers

To ensure that they are aware of the policy and how to begin to resolve matters of under-performance in a fair and consistent manner

To ensure that all employees are made aware of this policy

To ensure that the standards of performance expected of employees are fully explained so they know what is expected of them.

To ensure that all employees receive regular and effective performance reviews.

Where it is identified that an employee is not performing to the required standard agree SMART objectives with the employee.

4.3 Responsibility of Employees

Employees must inform their manager should they feel there are certain competencies within their job that they are not fulfilling.

Where it has been identified that an employee is not performing to the required level it is their responsibility to agree measurable objectives with their manager and how improvement will be measured.

Employees must actively participate and engage in performance reviews with their manager

4.4 Responsibility of the CCG HR Business Partner

To provide training, advice and support to managers dealing with matters of unsatisfactory performance

- To provide advice/support to an employee whose performance is giving cause for concern.
- To provide advice and support at all stages of the formal procedure
- To monitor the use of the policy

5. Setting standards

On commencement of employment the standards of performance expected of the employee should be fully explained so they know what is expected of them.

This should be

- Clear job descriptions and person specifications
- Clear explanations of the standards required at induction
- Careful monitoring of workplace induction
- Professional codes of conduct/practice
- Fair and objective assessment interviews together with the identification of relevant training needs
- Discussions between managers and employees to ensure that standards are being accurately communicated and maintained on a regular basis agreed between the

manager and employee.

6. Factors that could cause poor performance

The following are examples and are not intended as an exhaustive list

6.1 Inadequate Selection Methods

When filling a vacancy, it is important to ensure that the successful candidate has the ability to carry out the duties of the post. It is therefore important to follow the correct selection procedures as stated in the Recruitment & Selection Policy.

6.2 Inadequate Training

This could occur when a manager fails to provide adequate induction or ongoing training as required. It could also occur when an employee transfers to another post, and often is not trained to carry out the duties of that post. Particular support is required for employees who lack experience of working life and for disabled employees or employees who become disabled during their employment.

6.3 Working Conditions

The environment in which an individual carries out their duties may be responsible, wholly or in part for an unsatisfactory level of performance.

6.4 Lack of Understanding of Job Role

Whilst an employee may otherwise be competent, they may fail to fulfil the requirements of the job if these have not been properly communicated to them.

6.5 Work Standards

The standards required of employees should be appropriate and relevant to the post.

6.6 Relationships with Colleagues

Difficult relationships with other colleagues could have a detrimental effect on performance.

6.7 Domestic Circumstances

Factors not directly concerned with work may never the less have a detrimental effect on performance.

6.8 Health Problems/Alcohol & Substance Abuse

This can cause inadequate performance and should be dealt with in the CCG policies specifically dealing with these circumstances, e.g. Attendance Management Policy and Alcohol & Substance Misuse Policy

6.9 Inability

The employee may not possess the necessary competence and may not be re-trainable

6.10 Failure to Adequately Fulfil their Duties

Wilful refusal of a reasonable management instruction or negligence should be regarded as misconduct and be dealt with under the CCG Disciplinary Policy and Procedure.

7. Supporting staff with disabilities

The Equality Act 2010 provides that employers have a statutory requirement to give consideration to making a reasonable adjustment to any aspect of work arrangements, or of the premises which have a substantially disadvantageous effect on the disabled person's performance.

Examples of Reasonable Adjustments:

- Make reasonable adjustments to premises
- Allocate some of the disabled person's duties to another person
- Transfer to an existing vacancy
- Alter working hours
- Assign to a different location
- Allow to be absent during working hours for rehabilitation, assessment or treatment
- Arrange for employee to receive training/retraining
- Acquire or modify equipment

While disability is in no way routinely associated with performance problems, managers must consider the possibility that under-performance is the result of a disability. If this is the case, there is a statutory duty to make reasonable adjustments to the working arrangements to help reduce the disadvantage the staff member might otherwise experience. For example, it may be reasonable to provide specialist equipment to assist the staff member or to re-organise work allocation within a team.

Should the manager believe that the underperformance is associated with a suspected disability, they must refer the member of staff to Occupational Health as soon as possible for further support and guidance.

8. Performance appraisal process

The appraisal process is a system for regularly reviewing and recording the performance, potential and development needs of an employee. The PDR or appraisal will ensure that employees are clear about what is expected of them and how they will be supported. The process is two-way and provides an opportunity to help identify and reveal problems which may be restricting progress and causing poor work performance.

It is a continuous process and not limited to a formal review once a year. It is essential where work performance problems arise they are addressed at the time, rather than waiting for the annual review.

9. Personal development

The key to longer-term improvement in performance is personal development.

The performance appraisal process identifies these needs, but line managers must formalise and agree a development plan, which may include formal and/or informal development activities. It is the employee's responsibility to ensure that progress is made against the learning and development plan in conjunction with their line manager.

10. Right to be accompanied

Each employee has the right to ask for assistance and support from the Trade Union to

which they are a member. Employees have the right to be accompanied at any stage of the Formal Procedure by a Staff Side Representative. If an employee is not a member of a Trade Union they also have the right to be accompanied by a work place colleague employed by the same CCG, not acting in a professional capacity.

However, it would not normally be reasonable for an employee to insist on being accompanied by a companion whose presence would prejudice the hearing nor would it be reasonable for an employee to ask to be accompanied by a companion from a remote geographical location if someone suitable and willing is available locally.

The companion should be allowed to address the meeting to put and sum up the employee's case, respond on their behalf to any views expressed at the hearing and confer with them during the hearing. The companion does not have the right to answer any questions on the employee's behalf, address the hearing if the employee does not wish it, or prevent the employee from explaining their case.

If an employee's companion is unavailable, it is the responsibility of the employee, so long as it is deemed reasonable, to suggest another date not more than 5 working days after the original date of the meeting or Appeal Hearing.

Employees have no right to under this procedure to be accompanied by anyone else (e.g. a spouse, partner, other family member or legal representative) other than those persons previously referred to.

11. Policy in practice: Procedure

The following procedure is intended as a framework to ensure consistent and fair treatment for all staff.

11.1 Informal procedure

Management Guidance

Most matters of unsatisfactory performance can be resolved through a combination of monitoring, coaching and counselling style guidance from the line manager. The initial guidance will not constitute formal action under the performance management procedure however the employee should be fully aware that it is taking place, that they are within the informal stage of this procedure and clear about the nature of the perceived shortfall in their performance.

Where a shortfall in an employee's performance is identified an initial meeting should be arranged between the line manager and the employee. The discussions should include:

- a clear explanation of the area/s of weakness causing concern
- identification of any underlying causes
- a clear statement of the standards being set
- timescales for the achievement of the standards
- an explanation of the consequences of failure to achieve standards
- encouragement and assistance to improve
- date for review and how improvement will be assessed

Particular attention should be given to the provision of constructive support e.g.:-

- adequate training
- additional supervision

- coaching or appropriate intervention

Where new tasks are being introduced and are causing difficulties, particular attention should be paid to further training and development needs.

Managers should keep records of any occasions when discussions have taken place, of all the issues raised, agreed actions and timescales and provide a copy for the employee.

During the period of time given to achieve the required level of performance it is important to agree regular reviews to keep the employee informed of their progress and what information is required to be collated for review.

This informal process must be followed at least once before invoking the formal Performance Management Procedure. If the CCG HR Business Partner has not already been involved they must be consulted prior to taking the formal action outlined below.

11.2 Formal Procedure

Where after reasonable opportunity for improvement, performance remains below the required standards, the manager will consider formal action. The employee should be informed of the managers continued concern. Example letters for each stage of the process below can be found at Appendix 1 to Appendix 5.

Stage 1

- The manager will write to the employee, identifying the area/s of weakness causing concern, giving reasonable notice of a formal performance management meeting in the presence of an H R representative. This should notify the employee of their right to be accompanied at the meeting.
- At the meeting the manager identifies the area/s of concern
- At the meeting the employee will have the opportunity to state their views and explain any mitigating circumstances
- The reasons for the shortfall are explored and any remedial action to be taken is identified and an action plan is agreed by both parties that details the improvements required, the targets and timescales and what information will need to be collated for review together with a review date
- The plan should be monitored in line with the timescales agreed (ranging from 1-3 months but not normally exceeding 3 months) However timescales may be longer or shorter depending on the nature of the employees duties
- A written record of the meeting will be kept and given to the employee.
- It should not be assumed that the first formal meeting will automatically result in the employee being issued with a 'notification of unsatisfactory performance'.
- Any action taken will be confirmed to the employee within ten working days, setting out the nature of the unsatisfactory performance, the steps necessary to remedy the situation and the timescale for review. If appropriate, the letter must state that a 'first notification of unsatisfactory performance' has been issued and describe the likely consequence of a failure to improve performance by the review date.

- The written record will remain on the employees file for 12 months after which it will be removed provided the employee reaches the level of performance required by the review date.
- Any reoccurrence of poor performance during the 12 months, which becomes apparent following management guidance, may result in further formal action.
- If the employee is aggrieved by the issuing of the 'first notification of unsatisfactory performance' they may raise the matter through the CCG's Grievance Procedure.
- If poor performance reoccurs after the 12 month period the full procedure will normally be reapplied.
- At the end of the review period a formal performance review meeting will be arranged between the manager and the employee, in the presence of an HR representative. The employee will be notified of his/her right to be accompanied at this meeting.
- Where the employee has reached the required levels of performance they should be informed that their current performance has reached the required standard agreed with the employee at the start of the performance management process. Support and encouragement should continue to be offered.
- If the employee has failed to reach the required levels of performance within the agreed timescales then the manager should move to stage 2.

Stage 2

If the employee has failed to reach the required levels of performance the employee will be invited to attend a formal performance meeting which will be chaired by the manager who is the next level above the direct line manager (where possible)

- The manager will write to the employee, identifying the area/s of weakness that are continuing to cause concern, giving reasonable notice of a formal capability hearing in the presence of an H R representative. This should notify the employee of their right to be accompanied at the meeting.
- At the meeting the employee will have the opportunity to state their views and explain any mitigating circumstances
- The reasons for the shortfall are explored and any remedial action to be taken by the employee is identified
- The manager will consider whether further support and training should be provided.
- The manager will discuss with the employee the possibility of:
 - ~ revised duties/hours of work (if available)
 - ~ suitable alternative employment (if available)
 - ~ work at a lower grade for which they are competent (by agreement)
- The CCG is not obliged to create an alternative post. If it is agreed that the employee is to move into a post that attracts a lower salary, protection of pay and conditions of service will not apply.
- If it is considered that the level of performance is still unsatisfactory the manager will

issue a 'final notification of unsatisfactory performance'

- A review date will be set to assess whether or not the required improvement in performance has taken place within 1 - 3 months depending on the circumstances and availability of training.
- Any action taken will be confirmed to the employee within ten working days, setting out the nature of the unsatisfactory performance, any steps necessary to remedy the situation and the timescale for review. If appropriate the letter must state that a 'final notification of unsatisfactory performance' has been issued and describe the likely consequence of a failure to improve performance by the review date.
- If the employee is aggrieved by the issuing of the 'final notification of unsatisfactory performance' they may raise the matter through the CCG's Grievance Procedure.
- If the employee has failed to reach the required levels of performance within the agreed timescales then the manager should move to stage 3.

Stage 3

If the employee does not make satisfactory progress by the review date they will be invited to attend a formal capability hearing to consider the continued employment of the employee.

At this stage a panel consisting of an Associate Director or Director (who has not previously been involved in the process) and an H R representative shall be convened.

- The employee will be notified of the meeting in writing. The letter will detail the purpose of the meeting; identify the area/s of poor performance and the possible outcome.
- The employee will be notified of their right to be accompanied at the meeting.
- In addition, the employee should be advised in the letter that the manager responsible for monitoring their work performance will attend to give an account of the review process followed, calling witnesses where appropriate and presenting any relevant documentation including the action plans agreed with the employee. Copies should be provided to the employee, prior to the meeting.
- The employee should be advised that they will have the opportunity to present any factors in mitigation.
- The panel will hear from the manager responsible for monitoring their work performance first. The employee will then have an opportunity to put forward any factors in mitigation. The panel will then adjourn to make their decision.
- If no exceptional circumstances are put forward to explain the work performance, the panel should consider whether the employee's employment should be terminated on the grounds of capability.
- If there is an opportunity at this stage which would allow the employee to transfer to an alternative post the panel may wish to consider offering this as an alternative to dismissal on the grounds of capability. The employee should be placed on the redeployment register for a period of 12 weeks.
- The CCG is not obliged to create an alternative post. If it is agreed that the employee is to move into a post that attracts a lower salary, protection of pay and conditions of

service will not apply.

- If no alternative post is to be offered or the employee refuses any offer of alternative employment, then the employee will be advised that their employment will be terminated on the grounds of capability.
- The decision of the panel will be confirmed to the employee, in writing, together with the reasons for the dismissal and advising them of their right to appeal against the decision, within ten working days.
- The employee will be advised that they have ten working days from the date of the dismissal letter to appeal against the decision. The appeal must be lodged, in writing, to the Accountable Officer.

11.3 Serious/gross incompetence

Where an employee's performance is regarded as serious/gross incompetence it would be inappropriate to take them through a staged procedure, particularly if the health or safety of patients or other staff is in serious jeopardy or there are serious consequences for the CCG's.

In such cases the employee may be suspended pending a thorough and impartial investigation. Employees should be made aware that their incompetence may lead to their dismissal on grounds of gross incompetence without notice. If serious/gross misconduct is considered then the CCG's Disciplinary Policy and Procedure should be followed.

The advice of the CCG HR Business Partner must be sought in such circumstances.

12. Appeal process

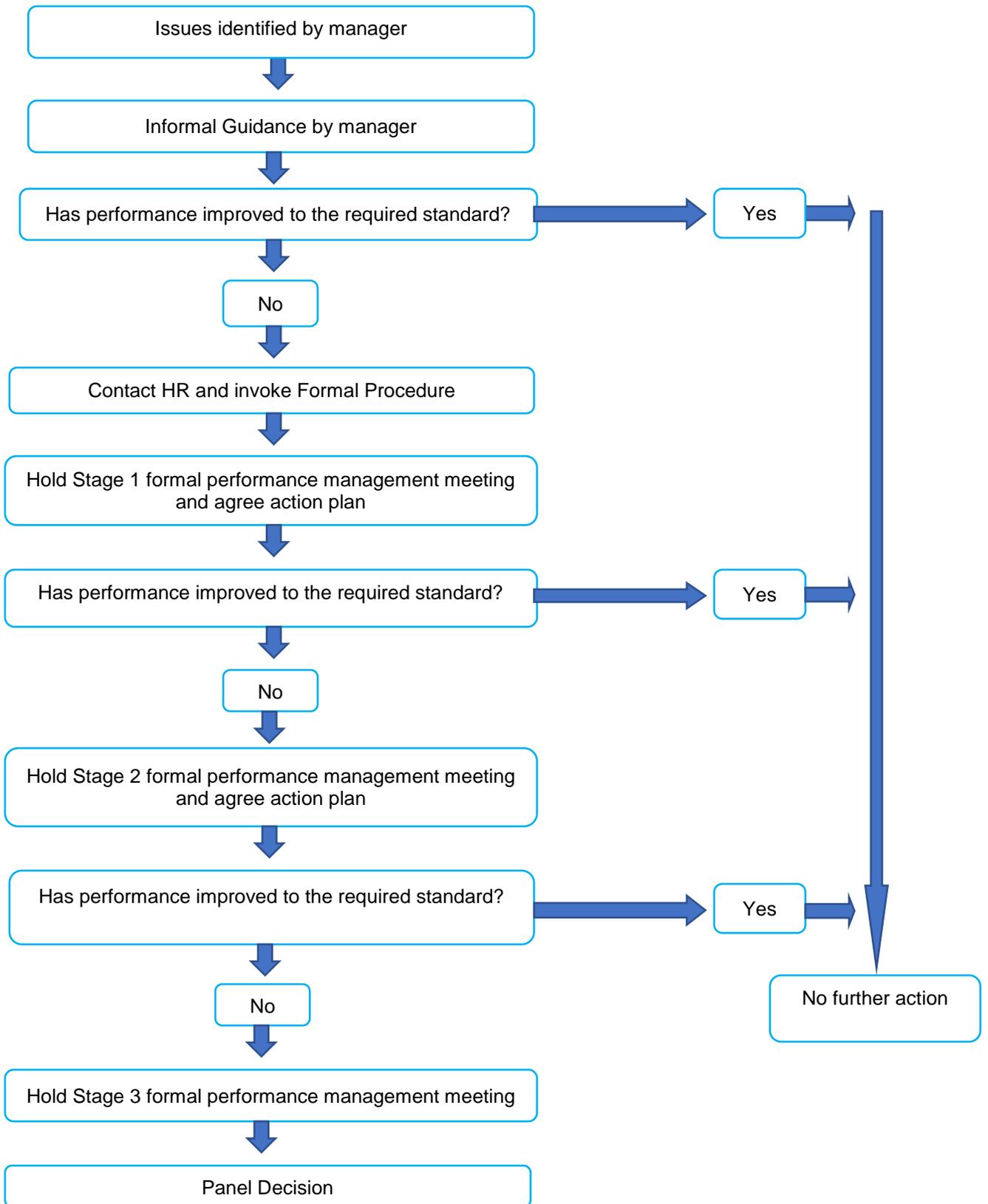
At each stage of the procedure the employee has the right of appeal against any decisions made. Their appeal should be lodged in writing within 10 working days of receipt of the confirmation of the action taken to the next appropriate line manager.

13. Monitoring

The CCG HR Business Partner will;

- Have responsibility to monitor the effectiveness of this policy on a regular basis.
- Make recommendations to the Governing Body.
- Have overall responsibility for monitoring the delivery of this policy.

14. Performance Management Flowchart



Appendix 1 - Example of a letter sent to employees to arrange a 1st/2nd/3rd/ formal review meeting

Date

PRIVATE & CONFIDENTIAL

Name

Address

Postcode

Dear

You will recall on (date) we met informally/formally to discuss your performance and we agreed the following measurable objectives: -

Time scale:

-
-
-
-

It was agreed that your progress would be monitored over (a number) month(s) period and I now wish to meet with you formally/again to discuss your performance.

The meeting has been arranged for (date) at (time) in (place). You are entitled to be accompanied by a Trade Union Representative, or work Colleague.

Please contact me on (extension/phone number) to confirm your attendance by (date). If you cannot attend the meeting, please state the reasons why so that alternative arrangements can be made. The meeting will be conducted by myself together with (name) from the Human Resources Department.

Yours sincerely

(Name)

(Job Title)

cc. Human Resources
Staff Side Representative

Appendix 2- Example of a letter sent to an employee confirming first stage review of unsatisfactory performance

Date

PRIVATE & CONFIDENTIAL

Name

Address

Postcode

Dear

I refer to the meeting/meetings held on (date/dates) in the presence of (name) from the Human Resources Department, at which you were accompanied by (name).

The meeting was arranged to formally discuss your performance. At the counselling interview the following measurable objectives were set for you over a period of (number) months: -

Time scale:

-
-
-
-

I feel that despite receiving adequate training and support, you have failed to meet these objectives. In view of the fact that you have not demonstrated a significant improvement over the review period, I am writing to formally confirm your unsatisfactory performance.

As discussed, I shall ensure that you receive appropriate support and training as follows: -

-
-
-

As agreed, I shall monitor your performance over the next (number) months when we shall meet again formally to review your progress. If there has not been any significant improvement in this period further formal action may be taken.

If, in the meantime, you experience any difficulties or need any help and advice, please do not hesitate to contact me.

Yours sincerely

(Name)

(Job Title)

cc. Human Resources
Staff Side Representative

Appendix 3 - Example of a letter sent to an employee confirming second stage review of unsatisfactory performance

Date

PRIVATE & CONFIDENTIAL

Name

Address

Postcode

Dear

I refer to our meeting/meetings held on (date/dates), in the presence of (name) from the Human Resources Department, at which you were accompanied by (name).

The meeting was arranged to formally discuss your performance. At the first formal interview the following measurable objectives were agreed for you over a period of (number) months.

Time scale:

-
-
-
-

I felt that despite receiving adequate training and support, you have been unable to meet these objectives. In view of the fact that you have not demonstrated a significant improvement over the review period, I am writing to formally confirm your final notification of unsatisfactory performance.

As agreed, I shall monitor your performance over the next (number) months when we shall meet again formally to review your progress. I shall ensure that you receive appropriate support and training as follows: -

-
-
-

As this is the second time that I have had to formally write to confirm your unsatisfactory performance, I have to inform you that if performance does not significantly improve during this period further formal action may be taken.

If, in the meantime, you experience any difficulties or need any help and advice, please do not hesitate to contact me.

Yours sincerely

(Name)

(Job Title)

cc. Human Resources
Staff Side Representative

Appendix 4 - Example of a letter sent to an employee confirming third stage review of unsatisfactory performance

Date

PRIVATE & CONFIDENTIAL

Name

Address

Postcode

Dear

I refer to our meeting/meetings held on (date/dates), in the presence of (name) from the Human Resources Department, at which you were accompanied by (name).

The meeting was arranged to formally discuss your performance. At the second formal interview the following measurable objectives were agreed for you over a period of (number) months.

Time scale:

-
-
-
-

I felt that despite receiving adequate training and support, you have been unable to meet these objectives. In view of the fact that you have not demonstrated a significant improvement over the review period, I am writing to formally confirm your final notification of unsatisfactory performance.

As agreed, I shall monitor your performance over the next (number) months when we shall meet again formally to review your progress. I shall ensure that you receive appropriate support and training as follows: -

-
-
-

As this is the third time I have had to write to you regarding unsatisfactory performance I have to inform you that if performance does not significantly improve during this period further formal action may be taken, which could include dismissal.

If, in the meantime, you experience any difficulties or need any help and advice, please do not hesitate to contact me.

Yours sincerely

(Name)

(Job Title)

Cc Human Resources

Staff Side Representative

Appendix 5 - Example of a letter sent to an employee confirming Dismissal after Third Stage Review

PRIVATE & CONFIDENTIAL

Name

Address

Postcode

Dear

I am writing to confirm the outcome of the meeting held on (date) in the presence of (name), at which you were accompanied by (name).

The meeting had been arranged to discuss your capabilities as (job title). A number of measurable objectives had been set for you over the past (number) months as follows: -

-
-
-
-

We discussed your performance in depth and I am satisfied that you have been given ample and reasonable opportunity to improve your performance to the required standard. I am also satisfied that you have been given adequate training and support to enable you to meet the requirements of the post.

You have been counselled on a number of occasions regarding your performance and you were seen formally on (date), (date) and (date). At the last meeting, it was made quite clear that if there was no improvement in your performance your contract may be terminated.

We discussed alternative employment and you were not willing to consider any of the opportunities currently available/there are no vacancies at present.

Having considered the position fully, it has been decided to terminate your employment with immediate effect on the grounds of your incapability to undertake the duties and responsibilities of your post.

You will receive (number) week's pay in lieu plus any outstanding annual leave due to you.

In view of the fact that this is a termination of employment on the grounds of capability, I am obliged to inform you that you have the right to appeal against the decision. Appeals should be made to the Accountable Officer within ten working days of the date on the letter confirming the dismissal clearly stating the grounds for appeal.

Yours sincerely

(Name)

(Job Title)

Cc Human Resources
Staff Side Representative

Governance backpage:

Version: This is version 1.0.
Date Issued: NHS Cheshire CCG: July 2020
Date Approved: NHS Cheshire CCG: 03 July 2020 Executive Committee Meeting
Approved by: NHS Cheshire CCG: CCG Chief Officer
Review Date: NHS Cheshire CCG: 1 st July 2022
Author: Midlands and Lancashire Commissioning Support Unit (MLCSU)