**MANAGING WORK PERFORMANCE**

 **POLICY**

**APPENDICES**

Ref: MWP1/IM

Managing Work Performance - Appendix 1

Ref: MWP1/IM

Date:

Address

Telephone

Email address

Dear

**Managing work performance - invitation to informal meeting**

Further to our recent discussions, I write to invite you to an informal one to one meeting in line with the Managing Work Performance policy (copy enclosed).

The meeting will be held at (TIME) on (DATE) at (LOCATION).

The purpose of the meeting is to informally discuss your performance in the role of (JOB TITLE). I have enclosed a copy of your job description and recent one to one notes. This is an opportunity for us to discuss the performance issues and identify reasons for these, whilst also giving you an opportunity to express your opinion. It is a supportive measure to ensure that you have a secure understanding of the expectations of your role and how your role impacts on the performance of the team and the wider organisation.

An outcome of the meeting may be the formulation of a performance improvement action plan including specific timescales which will be agreed by both of us. This may include further training, mentoring and/or support.

*If there are specific examples then it may be useful to provide brief detail of these so that the employee is prepared for the meeting.*

*In particular we will discuss:*

* *A*
* *B*
* *C*

As this is a one to one meeting it is not usual to be accompanied, however in the meantime you may wish to seek advice and support from a workplace colleague or trade union representative.

If you have any queries prior to the meeting or you are unable to attend, please do not hesitate to contact me on the above telephone number or e-mail address.

Yours sincerely

*Line manager*

*Job title*

Managing Work Performance - Appendix 2

Ref: MWP2/IM

Address

Telephone

Email address

Date:

Dear

**Managing work performance - confirmation of informal meeting**

Thank you for attending an informal one to one meeting in line with the Managing Work Performance policy on (DATE). The purpose of the meeting was to informally discuss your performance as (JOB TITLE) and support you in performing in your role.

At the meeting we discussed that you were not meeting the required standard of performance in the following areas: (DETAIL HERE). I asked whether there was any underlying reason for the shortfall in performance and you explained that (DETAIL) */ that there was not. As a result we agreed to put the following measures in place to support you (Delete as appropriate).*

I clearly restated the expectations for your post and clarified your objectives. After detailed discussion about these objectives we agreed an informal action plan to support you in delivering these objectives. *(If no action plan at this stage, name key objectives in this letter with agreed timescales)* I also clarified how your role fits into the wider objectives of the team and organisation as a whole.

I asked whether you felt any support, training or development would assist you in this post and you stated that (DETAIL). I *agreed/ suggested* that it would be beneficial for you to (DETAIL ABOUT SUPPORT).

We agreed that we would review your progress against (*the action plan/ your objectives*) in (*one/two/three months*). In the meantime, we will hold (*weekly/fortnightly*) one to one supervision meetings to support you in achieving your objectives in line with the agreed timescales.

In the meantime, should you have any queries or concerns that you wish to raise please do not hesitate to contact me on (TELEPHONE NO).

Yours sincerely

*Line manager*

*Job title*

Managing Work Performance - Appendix 3

Ref: MWP3/IPR

Address

Telephone

Email address

Date:

Dear

**Managing work performance informal procedure - invitation to performance review**

Further to our meeting on (DATE) at which we discussed your performance in the role of \*\*\*\*\*, I write to invite you to a performance review under the informal procedure of the Managing Work Performance policy.

The meeting will be held at (TIME) on (DATE) at (LOCATION).

The purpose of the meeting is to review your progress against the performance improvement action plan which was agreed following our meeting. I have enclosed a copy of the action plan for your information.

Please be aware that a decision will be made at the meeting regarding how to proceed. The possible outcomes are no further action, an extension to the monitoring period or escalation to the formal stage of the Managing Work Performance procedure.

I would like to remind you that as this is a one to one meeting it is not usual to be accompanied; however in the meantime you may wish to seek advice and support from a workplace colleague or trade union representative.

If you have any queries prior to the meeting or you are unable to attend, please do not hesitate to contact me on the above telephone number or e-mail address.

Yours sincerely

*Line manager*

*Job title*

Managing Work Performance - Appendix 4

Ref: MWP4/IPR

Address

Telephone

Email address

Date:

Dear

**Managing work performance informal procedure - confirmation of performance review meeting**

Thank you for attending an informal review meeting in line with the Managing Work Performance policy on (DATE). The purpose of the meeting was to review your performance against the (*informal action plan/ objectives*) set at our meeting on (DATE) and to consider appropriate next steps.

At the meeting we discussed, (*list key points of the feedback; where any improvements are made these should also be included)* and in summary

* I am pleased that you have fully met the objectives set out and that your work performance has improved to the required standard. As such no further action will be taken under the Managing Work Performance policy at this stage. However, you are expected to maintain this standard of performance and I must advise you that if work performance issues are identified in the next 12 months, I may decide to escalate to the formal procedure under the Managing Work Performance policy. I attach a copy of this policy to this letter.
* I identified some improvements against the objectives set out but recognise that there is still improvement to be made namely (DETAIL). As such I have decided to extend the monitoring period by (*one/two/three*) months, by which time it is expected that you will have met the objectives set out in the (*reviewed*) action plan agreed on DATE. I must advise you that failure to meet the required performance standards by this review date may result in escalation to the formal procedure under the Managing Work Performance policy. I attach a copy of this policy to this letter.
* I identified that you have not made sufficient improvement against the objectives set out and will now escalate this process to the formal stages of the Managing Work Performance policy. I attach a copy of this policy to this letter. I will write to you again in due course to invite you to a formal meeting in line with the policy.

As we are now in a formal procedure I would like to remind you of your right to arrange trade union or (*ICB work colleague*) representation for any subsequent formal meetings held in line with this procedure. In the meantime you may wish to consult your union for support and advice.

I asked you again whether you felt any support, training or development would assist you in this post and you stated that (DETAIL). I *agreed/ suggested* that it would be beneficial for you to (DETAIL ABOUT SUPPORT).

In the meantime, should you have any queries or concerns that you wish to raise please do not hesitate to contact me on (TELEPHONE NO).

Yours sincerely

*Line manager*

*Job title*

Managing Work Performance - Appendix 5

Ref: MWP5/FM

Address

Telephone

Email address

Date:

Dear

**Managing work performance - invitation to formal meeting**

Further to our performance review meeting on (DATE) and subsequent confirmation letter dated \*\*\*\*\*, I write to invite you to a formal meeting in line with the Managing Work Performance policy (copy enclosed).

The meeting will be held at (TIME) on (DATE) at (LOCATION). I will chair the meeting and \*\*\*\*\*\* from the HR team will also be in attendance (in an advisory capacity). You are entitled if you wish to be accompanied by a workplace colleague or a trade union representative. If you intend to be accompanied, please provide me with details of your work colleague or trade union representative at least two days in advance of the meeting date.

The purpose of the meeting is to initiate the formal stages of the Managing Work Performance procedure due to your failure to improve/ maintain the performance standards agreed with you during the informal stage of the procedure. I have enclosed the most recent copy of the performance improvement action plan which we will review at our meeting. The meeting will focus on the issues surrounding your unsatisfactory work performance and there will be an opportunity for you to raise any further issues and make suggestions. At the meeting we will agree a formal performance improvement action plan which will include specific action points and a timescale for improvement. At this stage in the procedure an outcome may be that you wish to explore the possibility of alternative duties in line with the redeployment policy (copy enclosed). We will discuss this in more detail at the meeting. Please note that should you wish to be placed on the redeployment register the managing work performance process will still continue.

I understand that this can be a difficult time and I would like to draw your attention to the various sources of support available to you. Details can be found at point 7 of the Managing Work Performance policy.

If you have any queries prior to the meeting or you are unable to attend, please do not hesitate to contact me on the above telephone number or e-mail address.

Yours sincerely

*Line manager*

*Job title*

Managing Work Performance - Appendix 6

Ref: MWP6/FM

Address

Telephone

Email address

Date:

Dear

**Managing work performance formal procedure - confirmation of formal meeting**

Thank you for attending a formal meeting in line with the Managing Work Performance policy on (DATE), at which \*\*\*\* \*\*\*\*\*, your workplace colleague/ trade union representative was also present. The purpose of the meeting was to discuss your performance following our informal performance review meeting on (DATE) during which I informed you that your performance had not improved sufficiently and I would be progressing the matter to the formal stage of the procedure.

At the meeting *we discussed your recent performance against the previous performance improvement action plan which was agreed during the informal stage of the procedure* OR *we discussed the key areas where your performance was still not at the level required of the post* and we discussed the reasons why your performance was still not at the required level. I reiterated the expectations for your post and clarified your objectives.

I again asked you if there was any underlying reason for the shortfall in performance and you explained that (DETAIL) */ that there was not. As a result we agreed to put the following measures in place to support you (delete as appropriate).*

After detailed discussion about these objectives *we agreed a formal action plan* OR *we amended the previous performance improvement action plan to reflect our discussions in order* to support you in delivering these objectives.

I asked whether you felt you needed any additional support, training or development to assist you in this post and you stated that (DETAIL). I *agreed/ suggested* that it would be beneficial for you to (DETAIL ABOUT SUPPORT).

We agreed that we would review your progress against (*the action plan/ your objectives*) in (*one/two/three months*). In the meantime, we will hold (*weekly/fortnightly*) one to one supervision meetings to support you in achieving your objectives in line with the agreed timescales.

*If applicable:*

*At the meeting you requested to be placed on the redeployment register. I have enclosed copy of the redeployment policy for your information. As discussed at the meeting the HR team will endeavour to send you vacancies/ opportunities, however it remains your responsibility to also check NHS jobs for suitable alternative positions. In addition, I reminded you that the option for you to be placed on the redeployment register is a supportive measure as part of the managing work performance process and should there be no suitable redeployment opportunities, this will not affect your employment status and the managing work performance process will still continue.*

Should you have any queries or concerns that you wish to raise please do not hesitate to contact me on (TELEPHONE NO).

Yours sincerely

*Line manager*

*Job title*

Managing Work Performance - Appendix 7

Ref: MWP15/FPR

Address

Telephone

Email address

Date:

Dear

**Managing work performance formal procedure - invitation to performance review**

Further to our meeting on (DATE) at which we discussed your performance in the role of \*\*\*\*\*, I write to invite you to a performance review under the formal procedure of the Managing Work Performance policy.

The meeting will be held at (TIME) on (DATE) at (LOCATION). You are entitled if you wish to be accompanied by a workplace colleague or a trade union representative. If you intend to be accompanied, please provide me with details of your work colleague or trade union representative at least two days in advance of the meeting date.

The purpose of the meeting is to review your progress against the performance improvement action plan agreed at our last meeting on (DATE). I have enclosed a copy for your information.

Please be aware that a decision will be made at the meeting regarding how to proceed. The possible outcomes are no further action, an extension to the monitoring period or a hearing in line with the Managing Work Performance policy.

If you have any queries prior to the meeting or you are unable to attend, please do not hesitate to contact me on the above telephone number or e-mail address.

Yours sincerely

*Line manager*

*Job title*

Managing Work Performance - Appendix 8

Ref: MWP8/FPR

Date:

Address

Telephone

Email address

Dear

**Managing work performance formal procedure - confirmation of performance review meeting**

Thank you for attending a formal review meeting in line with the Managing Work Performance policy on (DATE). The purpose of the meeting was to review your performance against the (*formal action plan/ objectives*) set at our meeting on (DATE) and to consider appropriate next steps.

At the meeting we discussed (*list key points of the feedback; where any improvements are made these should also be included) in summary*

* I am pleased that you have fully met the objectives set out and that your work performance has improved to the required standard. As such no further action will be taken under the Managing Work Performance policy at this stage. However, you are expected to maintain this standard of performance and I must advise you that if work performance issues are identified in the next 12 months, I may decide to return to the formal stage of the procedure under the Managing Work Performance policy. I attach a copy of this policy to this letter.
* I identified some improvements against the objectives set out but recognise that there is still improvement to be made namely (DETAIL). As such I have decided to extend the monitoring period by (*one/two/three*) months, by which time it is expected that you will have met the objectives set out in the (*reviewed*) action plan agreed on DATE. *DETAIL ANY ADDITIONAL SUPPORT REQUIRED DURING THE EXTENDED MONITORING PERIOD.* I must advise you that failure to meet the required performance standards by this review date may result in referral to a hearing in line with the Managing Work Performance policy. I attach a copy of this policy to this letter.
* I identified that you have not made sufficient improvement against the objectives set out and I am now referring you to a formal hearing in line with the Managing Work Performance policy where your performance issues and progress will be assessed by an independent panel. I attach a copy of this policy to this letter. I will write to you again in due course to invite you to the hearing.

I would like to remind you of your right to arrange trade union or (*ICB work colleague*) representation.

In the meantime, should you have any queries or concerns that you wish to raise please do not hesitate to contact me on (TELEPHONE NO).

Yours sincerely

*Line manager*

*Job title*

Managing Work Performance - Appendix 9

Ref: MWP9/FH

Address

Telephone

Email address

Date:

Dear

**Managing work performance formal procedure - invitation to hearing**

Further to our performance review meeting on (DATE) at which I informed you that your performance had not improved sufficiently and that the matter would be referred to a hearing, I write to inform you of the details.

The hearing will be held at (TIME) on (DATE) at (LOCATION) and will proceed in accordance with the hearing panel procedure as set out in appendix 14 of this policy (copy enclosed).

The panel will consist of \*\*\*\*\*\*\*\*, Deputy Director who will chair the hearing, accompanied by \*\*\*\*\*\* with HR support from \*\*\*\*\*\*\*\*. I will present the case summarising the key facts. You are entitled if you wish to be accompanied by a workplace colleague or a trade union representative. If you intend to be accompanied, please provide me with details of your work colleague or trade union representative at least two days in advance of the hearing date.

The hearing panel will consider the performance issues and your progress towards the agreed performance level having exhausted all avenues including being given an opportunity to improve within reasonable timescales and receiving additional training, mentoring and support. I have enclosed a copy of documents that will be referred to during the hearing which includes the hearing procedure. If you wish to submit any additional information to the panel for consideration at the hearing this must be received no later than two working days prior to the hearing.

If you or your representative is unable to attend you will need to provide reasonable notice and your reasons for being unable to attend and the hearing will be rescheduled within ten working days of the original date where possible. Failure to attend the hearing without a reasonable explanation may mean that it proceeds in your absence.

You should be aware that dismissal is a potential outcome of this hearing.

It is acknowledged that this can be a difficult time and I would like to remind you of various sources of support available to you. Details can be found at point 7 of the Managing Work Performance policy

If you have any queries prior to the meeting or you are unable to attend, please do not hesitate to contact me on the above telephone number or e-mail address.

Yours sincerely

*Panel chair*

*Job title*

cc.

Managing Work Performance - Appendix 10

Ref: MWP10/FH

Address

Telephone

Email address

Date:

Dear

**Managing work performance formal procedure - outcome of hearing**

I write to confirm the outcome of the hearing held on (DATE*)* in accordance with the Managing Work Performance policy at which I was advised by \*\*\*\*\* (HR Representative) and you were represented/ accompanied by \*\*\*\*\*\*, your trade union representative/ workplace colleague.

I listened carefully to the presentation given by \*\*\*\*\*\*\*\* (*line manager)* and also to the opposing case you put forward *alongside* *the evidence that you submitted.*

\*\*\*\*\* (line manager) explained that the informal performance management process did not improve your performance to the required standard and that (DETAIL).

You did/ did not put forward any mitigating circumstances for your underperformance. (DETAIL)

As this is the case I decided to issue a sanction of:

* No case to answer
* First Improvement Notice
* Final Improvement Notice
* Dismissal

In addition to the improvement notice issued also:

* instructed you to undertake further training in relation to(DETAIL)
* placed you on the redeployment register for alternative employment to be sought
* explained that based on your performance your next increment would be deferred In line with the ICB’s Pay Progression policy

The improvement notice issued will remain on your personal record for *12 months/ 24 months\** from the date of the hearing.

*\*12 months for a first written warning / 24 months for a final written warning*

You have the right of appeal against this decision and should you wish to appeal please submit this in writing within 5 working days of receipt of this letter to …….

Yours sincerely

*Panel chair*

*Job title*

Managing Work Performance - Appendix 11

Ref: MWP11/AHP

Date:

Address

Telephone

Email address

Dear

**Managing work performance formal procedure - invitation to appeal hearing panel**

Following your recent appeal against the decision made at your hearing held on (DATE) in line with the Managing Work Performance policy, I write to inform you of the date and time of the appeal hearing panel.

The panel will be held at (TIME) on (DATE) at (LOCATION) and will proceed in accordance with the appeal hearing procedure as set out in appendix 15 of this policy (copy enclosed).

The panel will consist of \*\*\*\*\*\*\*\*, *senior manager* who will chair the appeal hearing with HR support from \*\*\*\*\*\*\*\*. The case will be presented by \*\*\*\*\*, \*\*\*\*\*. You are entitled if you wish to be accompanied by a workplace colleague or a staff side representative. If you intend to be accompanied, please provide me with details of your work colleague or trade union representative at least two days in advance of the hearing date.

You must provide the appeal hearing panel with a full written statement of the case, including the grounds upon which the appeal is presented and any documents you intend to use at least two working days prior to the appeal hearing. The case will be based on the original documents used at the hearing held on (DATE).

It is acknowledged that this can be a difficult time and I would like to remind you of the various sources of support available to you. Details can be found at point 7 of the Managing Work Performance policy.

If you have any queries prior to the meeting or you are unable to attend, please do not hesitate to contact me on the above telephone number or e-mail address.

Yours sincerely

*Panel chair*

*Job title*

cc. Members of the panel

Managing Work Performance - Appendix 12

Ref: MWP12/AH

Address

Telephone

Email address

Date:

Dear

**Managing work performance formal procedure - outcome of appeal hearing**

I write to confirm the outcome of the appeal hearing held on (DATE) in accordance with the Managing Work Performance policy at which I was advised by \*\*\*\*\* (HR Representative) and you were represented/ accompanied by \*\*\*\*\*\*, your trade union representative/ workplace colleague.

I listened carefully to the presentation by \*\*\*\*\*\*\*\* (*appeals manager)* and also to the opposing case you put forward *alongside* *the evidence that you submitted.*

You did/ did not put forward any mitigating circumstances for your underperformance. (DETAIL)

I upheld the sanction issued by/ I did not uphold the sanction issued by and *removed the sanction/ dismissed the case/issued a new sanction.*

This is the final stage of the process and the decision of the panel is binding and therefore there is no further right of appeal.

Yours sincerely

*Panel chair*

*Job title*

 Managing Work Performance - Appendix 13

**PERFORMANCE IMPROVEMENT ACTION PLAN**

|  |  |  |  |
| --- | --- | --- | --- |
| Name |  | Job Title |  |
| Line Manager |  | Date |  |

Stage in procedure: Informal [ ]  Formal [ ]

|  |  |  |  |
| --- | --- | --- | --- |
| **Area requiring improvement** | **Action required**  | **Timescale** | **Progress** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**Detail here any additional training and support required with relevant timescales:**

|  |
| --- |
|  |

|  |  |  |  |
| --- | --- | --- | --- |
| Review Date |  |  |  |
| Employee Signature |  | Print Name |  |
| Line Manager Signature |  | Print Name |  |

**Performance review meeting comments:**

|  |
| --- |
| Date: |

**Outcome of procedure:**

|  |
| --- |
| Performance achieved [ ] Extension to monitoring period [ ] Progress to formal procedure [ ] Formal hearing to be arranged [ ]  |
| **Additional comments:** |

**Final review date to ensure performance standard is maintained**………………………………….

Standard maintained: Yes [ ]  No [ ]

Action required:

|  |
| --- |
| **Additional comments:** |

 Managing Work Performance - Appendix 14

**HEARING PANEL PROCEDURE**

All employees are entitled to be accompanied by their Trade Union representative or a work colleague. Where an employee is not accompanied, the employee must be reminded of this right, and if declined, this must be recorded.

During the course of the hearing exploration of any differences in facts, as they appear to the manager and employee should be carried out in a constructive manner in order to gain an understanding of the facts which are, as far as possible, acceptable to both manager and employee.

Should a new matter arise during the course of the hearing then the panel should adjourn in order that consideration may be given to the appropriateness of the introduction of this new matter. To avoid unnecessary duplication of the process as well as ensuring fairness, it may be more beneficial to adjourn the hearing in order that further investigations may be carried out in relation to the new matter.

1. The Panel Chair will open the hearing by introducing those present and outlining the reasons for the hearing taking place and the format of the hearing.
2. The line manager will present their case including the key facts to the panel using the documentation already provided to all those present at the panel
3. Employee and/or representative, then the panel, will have the opportunity to ask questions
4. Employee side to present their case
5. Management side, then the panel, will have the opportunity to ask questions
6. Summing up by management side, then by employee and/or their representative.
7. The panel chair will ask employee side and the management side to leave the room whilst consideration is given to the presentations and responses given by both sides, including any mitigating circumstances. The panel will consider if a warning or sanction is appropriate.
8. Upon making a decision the panel chair will ask all parties to return to the room so that the outcome of the hearing panel can be communicated. The panel chair should explain that consideration has been given to all of the issues raised at the beginning of the hearing, and all of the facts and issues raised during the course of the hearing. The panel chair must then outline what action, if any, will be taken including any sanctions.
9. It is important that where a warning/sanction is given, the employee is informed of the length of time it will remain on their record, their right of appeal, the procedure that will be followed in relation to confirming the action in writing and any arrangements for the review of sanctions imposed.

Managing Work Performance - Appendix 15

**APPEAL HEARING PROCEDURE**

Should either party require an adjournment then this request should be made to the hearing panel, with an indication of the length of time required.

The procedure for an appeal hearing is as follows:

1. The appellant will present their case first, detailing the grounds for their appeal including the calling of any witnesses.
2. The management side will then be able to ask any questions about the case the appellant has presented
3. The appeal panel members will also have an opportunity to ask any questions.
4. The management side will then be asked to present their case, explaining the reasons for the action taken, including the calling of any witnesses.
5. The appellant may then wish to ask management side any questions about the case.
6. The appeal panel members will also have the opportunity to ask any questions.
7. Both parties will have the chance to sum up their case.
8. There will then be an adjournment when both sides will be asked to leave the room while the appeal panel consider the information they have heard and reach their decision.
9. The decision of the panel will be communicated to both parties verbally, following the adjournment wherever possible, and in any case will be confirmed later in writing (again to either party), no later than 5 working days after the appeal hearing.

|  |
| --- |
| **HR / Corporate Policy Equality Impact Assessment:** |
| **Policy / Project / Function:**  | Managing Work Performance Policy  |
| **Date of Analysis:** | 27/06/2022 |
| **Completed by:****(Name and Department**)  | Sophie Lucas HR |
| **What are the aims and intended effects of this policy, project or function?** | The Organisation has the right and responsibility to establish its requirements in standards of work to be achieved by its staff, so long as these are realistic and clearly defined. In order to fulfil this responsibility the Organisation will ensure that individual employees’ work is monitored fairly. The Organisation is committed to valuing all of its employees and will encourage them, through guidance, training and development, to achieve their full potential on a consistent basis. |
| **Are there any significant changes to previous policy likely to have an impact on staff / other stakeholder groups?** | No |
| **Please list any other policies** **that are related to or referred to as part of this analysis**  | * Disciplinary Policy and Procedure
* Attendance Management Policy

Redeployment Policy |
| **Who will the policy, project or function affect?**  | Employees  |
| **What engagement / consultation has been done, or is planned for this policy and the equality impact assessment?** | Consultation has taken place with SPF, all Staff and will be sent to the ICB to review and approve post 1st July |
| **Promoting Inclusivity and Hull ICB’s Equality Objectives.**How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation?How does the policy promote our equality objectives:1. Ensure patients and public have improved access to information and minimise communications barriers
2. To ensure and provide evidence that equality is consciously considered in all commissioning activities and ownership of this is part of everyone’s day-to-day job
3. Recruit and maintain a well-supported, skilled workforce, which is representative of the population we serve
4. Ensure the that NHS Hull Clinical Commissioning Group is welcoming and inclusive to people from all backgrounds and with a range of access needs
5. To demonstrate leadership on equality and inclusion and be an active champion of equalities in partnership programmes or arrangements
 | The policy does not directly promote inclusivity but provides a framework for the management of Performance within the organisation to ensure that staff are appropriately supported and treated equitably and will help to maintain a skilled workforce.  |

|  |
| --- |
| **Equality Data**  |
| **Is any Equality Data available** **relating to the use or** **implementation of this policy,** **project or function?**  Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine *Protected Characteristics* – referred to hereafter as *‘Equality Groups’.* Examples of *Equality Data* include: (this list is not definitive) 1: Recruitment data, e.g. applications compared to the population profile, application success rates 2: Complaints by groups who share / represent protected characteristics4: Grievances or decisions upheld and dismissed by protected characteristic group5: Insight gained through engagement |  Yes  x No Where you have answered yes, please incorporate this data when performing the *Equality Impact Assessment Test* (the next section of this document). If you answered No, what information will you use to assess impact?**Please note that due to the small number of staff employed by the ICB, data with returns small enough to identity individuals cannot be published. However, the data should still be analysed as part of the EIA process, and where it is possible to identify trends or issues, these should be recorded in the EIA.** |

|  |
| --- |
| **Assessing Impact** |
| **Is this policy (or the implementation of this policy) likely to have a particular impact on any of the protected characteristic groups?****(Based on analysis of the data / insights gathered through engagement, or your knowledge of the substance of this policy)** |
|  **Protected**  **Characteristic:** | **Neutral****Impact:** | **Positive****Impact:**  | **Negative****Impact:**  | **Evidence of impact and, if applicable, justification where a *Genuine Determining Reason[[1]](#footnote-1)* exists (see footnote below – seek further advice in this case)** |
| **It is anticipated that these guidelines will have a positive impact as they support policy writers to complete meaningful EIAs, by providing this template and a range of potential issues to consider across the protected characteristics below. There may of course be other issues relevant to your policy, not listed below, and some of the issues listed below may not be relevant to your policy.** |
| **Gender**   | X |  |  | Considered, no impact  |
| **Age**  | X |  |  | Considered, no impact  |
| **Race / ethnicity / nationality** | X |  |  | Considered, no impact  |
| **Disability** |  | X |  | Where the performance of an employee is affected by a disability, as defined in accordance with the Equality Act 2010, reasonable adjustments will be considered |
| **Religion or Belief**  | X |  |  | Considered, no impact  |
| **Sexual Orientation**   | X |  |  | Considered, no impact  |
| **Pregnancy and Maternity**  | X |  |  | Considered, no impact  |
| **Transgender / Gender reassignment** | X |  |  | Considered, no impact  |
| **Marriage or civil partnership** | X |  |  | Considered, no impact  |

|  |
| --- |
| **Action Planning:**  |
| **As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse impact or strengthen the promotion of equality?** |
|  **Identified Risk:**  |  **Recommended Actions:**  | **Responsible Lead:**  | **Completion Date:**  | **Review Date:**   |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

|  |
| --- |
| **Sign-off** |
| EQiAs to be sent to the Equality and Diversity (E&D) Inbox at hullICB.equalityanddiversity@nhs.net at least 10 days before the document deadline date (Please do this as early as possible).Following review your EQIA will be returned with any comments included, please action these and return the updated fully formatted document to the E&D Inbox for sign off. |
| **I agree / disagree with this assessment / action plan** |
| **If *disagree*, state action/s required, reasons and details of who is to carry them out with timescales:** |
| **Signed:** |
| **Date:** |



Appendix 17

Bribery Act 2010:

Under the Bribery Act 2010, it is a criminal offence to:

* Bribe another person by offering, promising or giving a financial or other advantage to induce them to perform improperly a relevant function or activity, or as a reward for already having done so; and
* Be bribed by another person by requesting, agreeing to receive or accepting a financial or other advantage with the intention that a relevant function or activity would then be performed improperly, or as a reward for having already done so.
* Failure to prevent bribery; The Bribery Act also introduced a corporate offence for a relevant commercial organisation (the ICB) to bribe another person intending (1) to obtain or retain business, or (2) to obtain or retain an advantage in the conduct of business. The only defence available to the ICB against Bribery Act offences would be to prove that it had adequate procedures in place designed to prevent persons associated with it from undertaking any of the conduct outlined above.

These offences can be committed directly or by and through a third person and, in many cases, it does not matter whether the person knows or believes that the performance of the function or activity is improper.

It is therefore, extremely important that staff adhere to this and other related policies and documentation (as detailed on the ICB’s website) when considering whether to offer or accept gifts and hospitality and/or other incentives.

If fraud, bribery and corruption are particularly relevant to a policy, the section should be headed Anti-fraud, Bribery and Corruption and should include a cross reference to the Local Anti-fraud, Bribery and Corruption Policy. The following wording should also be included:

‘If an employee suspects that fraud, bribery or corruption has taken place, they should ensure it is reported to the Local Counter Fraud Specialist (LCFS) and/or to NHS Counter Fraud Authority (NHSCFA) as follows:

* Local Counter Fraud Specialist on 07872 988939 / email nikki.cooper1@nhs.net or Head of Anti-Crime Services on 07717 356707 / email steven.moss@nhs.net.
* The ICB’s Chief Finance Officer,
* NHSCFA, 0800 028 40 60 (powered by Crimestoppers)
* Online: https://cfa.nhs.uk/reportfraud.’

For further information see <http://www.justice.gov.uk/guidance/docs/bribery-act-2010-quick-start-guide.pdf>. If you require assistance in determining the implications of the Bribery Act please contact the LCFS on the details above.

1. 1. *The action is proportionate to the legitimate aims of the organisation (please seek further advice)* [↑](#footnote-ref-1)