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Dear Alan,

Incremental Progression – Failure to Achieve Satisfactory Performance

I am writing in response to your letter dated 14 April 2011 following consultation of these proposals at the JNCC on 30 March 2011. I can now advise that further work has been done to analyse the impact on staffing of these proposals.

Firstly I would like to respond in terms of the provisions that already exist within the A4C framework. Withholding progression through the gateways in the grounds of poor performance exists as a current flexibility within A4C.

- Section 1.8 provides that “staff will progress from point to point on an annual basis to the top point of their pay band or pay range, provided their performance is satisfactory and they demonstrate the agreed knowledge and skills appropriate to that part of the pay band or range”.
- Section 6.2 states that “a member of staff will normally progress to the next point on their pay band, 12 months after appointment and to subsequent points every 12 months thereafter, subject to meeting the criteria for progression when they pass through the second gateway point”.
- Section 6.2.1 states that “progression may be deferred if the review indicates that they are not yet applying the full range of knowledge and skills required for the post”.
- Section 6.2.6 states that “ where significant weakness in performance in the current post have been identified and discussed and have not been resolved despite opportunities or appropriate training / development and support (i.e. informal capability

- discussions) exceptionally pay progression may be deferred at any point until the problems are resolved".

Accordingly it is possible to withhold pay progression on the basis of unsatisfactory performance or failure to meet agreed knowledge and skills targets. This should also be regarded as a method to incentivise staff and ensure that staff who are not performing to a satisfactory standard do not automatically progress to higher pay points.

It is also considered that an employee who fails to render satisfactory attendance is unable to perform at a satisfactory standard as they place a significant resource pressure and reduced reliability in terms of delivering patient care. However the process would need to take account of any absence as a result of underlying health condition which may require consideration of reasonable adjustment where an incremental progression is considered.

In answering your points I would respond as follows:

- Disciplinary Outcomes – Minor breaches of Trust policy will be considered in that way, this may result in a 6 month warning which will defer progression by this period. Many minor breaches are managed informally which would then not result in a progression freeze.
- Sickness Formal Warnings – As outlined above where absence is for reasons relating to an underlying health condition covered by Disability Legislation a consideration of reasonable adjustment will be applied.
- Formal Capability – It is not within the spirit or provisions of Agenda for Change that formal capability would not affect progression. This would be disingenuous to suggest pay progression should continue in these circumstances.
- Mileage Protection – Will be discussed separately.
- Pay Protection – Will be discussed separately.

I have attached a draft EQIA for your consideration.

Please do not hesitate to contact me should you require clarification on any of the points raised.

Yours sincerely,



Sue Steen
Director of HR and Governance