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Dear Alan,

Consultation on Proposals for Incremental Progression – Unsatisfactory Performance

Unison Branch Executive – 7 September 2011

I am writing to confirm the Trust position with regard to the proposal as outlined above. The consultation with Unison on this proposal commenced on 30 March 2011 where a framework for discussion was tabled at the formal Joint Negotiating Consultation Committee (JNCC).

This proposal was then further discussed outside of the JNCC, as outlined in my letter dated 18 July 2011, when I responded to some of the questions you presented about this proposal. A draft Equality Impact Assessment (EQIA) was also provided with this response which identified the numbers and breakdown of those staff likely to be affected by the proposal (this was taken from the employee relations cases recorded in 2010/11).

From a total workforce of 2414 staff this proposal would have affected 0.95% of the total staff employed in 2010/11 who were subject to formal disciplinary action (some of these may have been at the top of the grade and not entitled to an incremental progression so the overall figure is likely to be lower).

In relation to formal sickness procedures this would have affected 4.72% of the total staff, similar to the disciplinary action this figure also includes staff who may not have been entitled to an incremental progression. Some may also be considered to have an underlying health condition which may require consideration of a reasonable adjustment. Therefore the actual number of staff affected overall would be lower than 4.72%.

As I outlined in our ongoing discussions the Trust has not developed this proposal as a cost saving exercise.

It is to reflect the core principle that performance issues / concerns should be considered when reviewing satisfactory progression and that staff should perform to an acceptable standard to deliver high quality patient care.

I will clarify for the Branch Executive the detail of the proposal as below:

Formal Disciplinary Warnings – where a formal warning is issued following a disciplinary hearing a review will also be undertaken on the current status of incremental progression. As an example:

Mr Jones receives a formal warning on 1 May 2011 for 6 months. He was due an annual increment on 1 September 2011. The increment was therefore expected (subject to satisfactory performance) 4 months following the hearing. The revised increment date would now be set for 4 months following the expiry of the warning i.e. 1 March 2012. This would in effect delay the incremental progression from 1 September 2011 to 1 March 2012 to reflect the length of the warning.

Formal Capability Warnings – where an employee is being managed through the formal stages of the capability procedure and is therefore being considered as not delivering on the key aspects of their role, incremental progression will be deferred. It would be inappropriate for any incremental progression to continue until the time in which the performance was considered to be satisfactory. It is proposed that the re-introduction of incremental progression would be reinstated once the capability process had been formally lifted, the incremental date will then be fixed at this date.

It is appropriate that the capability process will have included a formal period of review to ensure that the performance was satisfactory. On this basis it is acceptable for the incremental progression to take effect from the date that the formal processes are concluded.

(B) **Formal Sickness Warnings/monitoring** – where an employee has breached a trigger in the sickness absence policy and has received a formal sanction following a hearing the same application will be introduced as per the disciplinary outcome.

The exception to this process would include the ability for the panel to consider whether there are any underlying medical conditions which may result in an appropriate consideration of a “reasonable adjustment” provision under the Disability Discrimination legislation. This decision will be noted and fed back to the employee, it will be possible for the employee to appeal against this decision if appropriate which will be considered by the Director of Human Resources and Governance in consultation with the Branch Secretary of Unison in partnership.

I would hope that Unison will be as committed as the Trust are to ensure that we motivate and reward good employee engagement and productivity, and in order to ensure there is a fair and equitable approach to pay and reward it is necessary to ensure that poor performance or under achievement is both managed fairly and is also subject to progression criteria.

The proposal from the Trust has not been discussed and consulted since March 2011 and it is therefore the intention of the Trust to implement formal changes under the provisions of Agenda for Change on 1 October 2011. This date has been put back from 1 September to further engage staff side in this consultation.

I would request a formal response following your Branch Executive meeting with a clear position statement from Unison.

If I can be of any further assistance please let me know. I would be happy to attend your meeting to answer any questions if required.

Yours sincerely,



Sue Steen
Director of HR and Governance

cc: Simon Moss
Christine Dayus