



Performance Management, Stress, Absence, and Refusal to Return to Work

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What is performance management?



- ▶ Framework to set, maintain and improve the performance standards
- ▶ Deal with issues quickly, fairly and in a transparent manner
- ▶ Performance Improvement Plan (PIP)
- ▶ Management training
- ▶ Keep records of all discussions whether formal or informal

Why is performance management important?



Builds trust and support

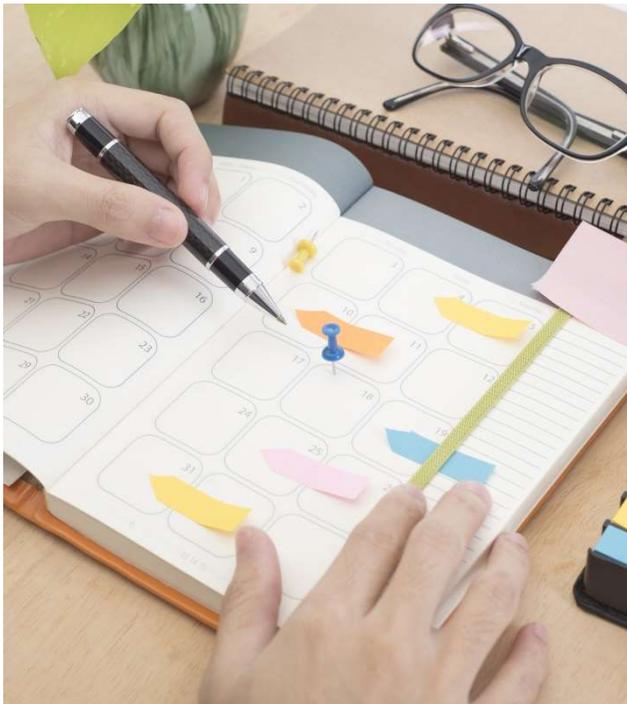


Aids in retention of high performing employees



Keeps employees engaged

Capability procedure



- ▶ Capability vs Conduct
- ▶ Initial concerns should be raised informally
- ▶ Investigation into the situation
- ▶ Formal capability procedure
- ▶ Set timeline for improvement
- ▶ Keep records of the entire process

Stress in the workplace

Stress is the **reaction** people have to **excessive pressures or demands** placed on them

Can lead to **mental and/or physical illness**

Certain levels of pressure are acceptable and normal in every job

Duty of care to protect the health, safety and welfare of employees

Open communication

Work-life balance

Training on stress management

Stress risk assessment

When a capability process causes absence due to stress



- ▶ Not uncommon for a capability process to result in absence
- ▶ Referral to an Occupational Health Specialist
- ▶ Treat both issues separately
- ▶ Follow internal absence reporting procedures
- ▶ Be aware of potential underlying conditions that may amount to a disability under the Equality Act 2010

Practical and legal options

- Pause the performance management process
- Investigate whether there are underlying conditions causing the absence
- Refer employee to a Occupational Health Specialist
- Support the employee to return to work
- Restart the performance management process

Practical Example 1

- 1** Concerns have been raised about a relatively new employee's ability to meet the targets set out for them
- 2** An informal procedure has been initiated but there have been no improvements
- 3** Just as a formal procedure is initiated, the employee goes off sick due to work-related stress and is refusing to return

Practical Example 2

- 1** Employee has worked for you for 20 years and has a record of exceeding expectations
- 2** Concerns have been raised that in the last few months, the employee's performance has deteriorated
- 3** An investigation into the situation has revealed that there may be underlying reasons for the deterioration in performance
- 4** Before the investigation can be completed, the employee goes off sick due to the stress of the situation

Practical Example 3

- 1** Concerns have been raised about an employee's performance by a new manager
- 2** The employee has worked for you for 5 years and there have never previously been concerns regarding their performance
- 3** During an informal meeting, it comes to light that the employee is experiencing issues with their new manager
- 4** Before the situation can be resolved, the employee goes on sick leave and is refusing to return to work

Practical and legal options – Last resort



Dismissal



Protected conversation

Top Tips

Pause!

Review the context

Explain supportive nature of PIP

Get medical/OH advice

Consider cause of absence

Separate out PIP from absence management processes

Weigh up costs of proceeding

Consider dismissal/Protected Conversation



Questions

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