



Capability Policy

Aim of Capability Policy - *Employees have a contractual responsibility to perform to a satisfactory level. Where sub-standard performance is found to be due to negligence or lack of application on the part of the employee, then the disciplinary procedure will normally be appropriate.*

However, issues of an employee's capability may arise from time to time where sub-standard performance relates to lack of the required knowledge, skills or ability rather than misconduct. In this case, the employee should, wherever practicable, be assisted to through training or coaching and given reasonable time to achieve the required standard. It is for this reason that BBUFA provides a capability policy.

This capability policy is intended to:

- Secure the required improvement in cases where performance falls short of that expected of a member of staff in a particular post.
- Help poorly performing staff to become more effective.
- Provide a fair and effective means of securing redeployment to a more appropriate position or where this is not practicable, dismissal.

It should be noted from the outset that a capability issue is not necessarily a disciplinary issue (and should not be treated as such). However as with any meeting which could result in a formal warning or some other action the individual will have the right to be accompanied by a work colleague. At each review stage, the employee should be advised of the consequences of a failure to reach the required level of performance, or the necessary improvement required, or of not being able to return to work or maintain a satisfactory level of performance through capability.

Scope of the Policy - The procedures in this document apply to all employees

Stage 1 – Informal Process

When an individual's performance becomes a matter of concern their manager should keep informal notes of the way in which the performance falls below acceptable standards and the occasions on which this is noticed.

The manager should consider whether cultural, disability or other equal opportunity issues might be a factor in managing a capability issue. The manager can monitor this for up to six months at which stage they need to decide if further action is required.

The manager should meet the member of staff informally and explain how the performance falls short of the standard expected of someone in her position. The manager should consider any possible staff development or training opportunities which may enable the member of staff to meet the required standard of performance. Considerations may be given to on the job training or a formal training course. Managers may discuss options with senior managers in the organisation. The member of staff should be set clear written performance targets and a realistic timescale for improvement. These should be jointly agreed in writing. Her/his performance should be regularly reviewed until the performance targets are met.

Where an informal process has been followed and there continues to be a significant performance issue, considered to be concerned with capability, the manager should move onto the next stage.

Stage 2 – Formal Process

a) Meeting with the manager

The manager should meet the employee to discuss the employee's performance in the job. The employee should be given the opportunity to be accompanied by a work colleague. The manager should discuss with a senior manager of the organisation who may be present at the meeting if required. The meeting should be structured examining the cause of the problem, the job requirements and the employee's knowledge, skills and ability, and any shortfall.

The manager should consider what might be done to improve the situation and help the employee. This could include further training or development needs; changes in the employee's duties, which might improve performance or assistance from other colleagues.

Ideally the plan for improvement should be agreed at this meeting. However, if it cannot be agreed at the time, the manager and employee should then reconvene to agree the plan for improvement, clarify any questions, and ensure that they are comfortable with the proposed solutions. This should then be documented by the manager, detailing the areas and level of improvement required, the timescales and an appropriate review date. However as with any review, it should be ongoing. The employee must be advised that, should the necessary improvements not be achieved, their continuing employment may, in due course, be at risk.

Two copies of the above should be made and signed by both manager and employee to demonstrate they seek to agree the targets for improvement. One copy should be kept on the employees file and the other given to the employee.

b) Review meeting with manager

On the date set for the review, the manager should meet with the employee, review progress and evaluate any improvements in performance.

If the performance is in line with the targets and no further action is required, then this should be acknowledged and noted in writing by the manager. If there has been a marked improvement, but the employee's performance has still not reached the required level then the period for improvement should be extended with a new review date set. The normal expectation is that targets and timescales should be set and reviewed twice before moving on to the next stage. Then if no adequate improvement has been made, the manager should progress to the next stage of the process.

Stage 3 – Formal Process

Review Meeting with Senior Manager

At this stage any meeting should involve the manager at the next level of authority, the employee and their work colleague.

The meeting will cover the manager's concerns about the review period and what has taken place and the employee's viewpoint of the situation.

Following this meeting, if it is deemed appropriate by the manager, the current plan for improvements will be maintained with an extended timescale. Alternatively a new plan may be issued taking into account the employee's response; or consideration will be given to redeployment to a suitable position, if possible, where it is felt by both the manager and senior manager that this would be appropriate for the employee. The senior manager should again make it clear to the employee that their job is now seriously at risk if the required level of improvement is not achieved and sustained.

Stage 4 - Formal Process

Final Review with a Senior manager

This final stage should be conducted as stage 3, with the additional possible outcome of dismissal on grounds of capability, advising the employee of their contractual period of notice of termination of employment and of their right to appeal against the decision.

Appeals

An employee who wishes to appeal against a capability decision other than dismissal, should inform their manager within 10 working days. Senior managers will hear all appeals and their decision is final. At the appeal any capability target agreed will be reviewed but it cannot be decreased.

Appeal against dismissal

Any employee who is dismissed shall receive a formal letter of dismissal stating the reasons for dismissal. If the employee wishes to appeal against their dismissal, they should write to their senior manager within 14 days of the date of the dismissal letter indicating the reasons for the appeal.