

Capability Policy

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Capability policy

1. ABOUT THIS PROCEDURE

1.1 We are committed to ensuring that employees achieve and maintain a high standard of performance in their work. To this end, we will establish standards, monitor performance, and provide employees with appropriate training and support to meet those standards.

1.2 There will be times when employees do not perform at the levels required. In dealing with cases of poor performance, we will distinguish between cases where the reason for poor performance is within the employee's control (e.g. negligence, lack of application or attitudinal problems) which will be addressed through our Disciplinary Policy and Procedure, and cases where the reason is outside the employee's control (i.e. there is a capability issue).

1.3 We identify that there are two reasons for employee's failing to meet the required standards of performance on the grounds of diminished and/or insufficient capability:

(o) Poor performance due to insufficient skills or aptitude

(p) Ill-health, including short-term or long-term sickness absences

1.4 We will address issues of poor performance due to insufficient skills or aptitude through its Capability Policy and Procedure, while issues around ill-health will be dealt with through the Sickness Absence Policy and Procedure.

1.5 The role of the HR Department is to ensure that this procedure is conducted fairly and consistently, including following current ACAS best practice wherever possible.

1.6 This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

1.7 This procedure does not form part of any employee's contract of employment and we may amend it at any time.

2. INFORMAL ACTION

2.1 In the first instance when it is first established that your performance is so poor as to be unacceptable, an informal discussion will be held to try to establish

the reason or reasons for this. Any explanation given will, where necessary, be investigated, after which the following outcomes and actions are possible:

(q) Your manager may decide that the established standards are not reasonably attainable, and the standards will be revised.

(r) If it is decided that the poor performance emanates from a change in the organisation's standards, these standards will be explained to you, and help will be offered to obtain conformity with these standards.

(s) Should the interview establish that the performance problems are related to your personal life, the necessary counselling/support will be provided.

(i) If a lack of training or supervision is identified as the cause of poor performance, additional support in the form of training or coaching will be provided.

(ii) If it is established that the poor performance constitutes misconduct, the Disciplinary Policy and Procedure will be invoked.

2.2 If, following the informal discussion, one or more of the above possibilities apply, a Performance Improvement Plan (PIP) – see appendix, may be established and your performance will be monitored thereafter for an appropriate period of time. Your manager will complete a PIP form with you and confirm in writing the improvements that are required and the timeframe within which the improvements must be made.

2.3 It is expected that in the majority of cases, the issue will be resolved at the informal stage. However, should you fail to show sufficient improvement during the review period, it will invoke the formal procedure which is outlined below.

3. FORMAL INTERVIEW

3.1 We will provide you with a minimum of 48 hours' notice that a formal interview is to be held to further investigate the reasons for performance issues. The notification will clearly state the nature of the performance issues and the stage of the formal procedure that is being invoked. You will also be provided with copies of all relevant documentation. A second Manager or a member of the HR team will attend the formal capability meeting in order to act as a witness and note taker.

3.2 At all formal meetings, you will have the right to be accompanied by either a fellow UCFB employee or a trade union official. If the chosen companion cannot attend on the proposed date, you can ask for an alternative date and time for the meeting, so long as it is reasonable and falls within 5 working days of the date of the original proposed meeting.

3.3 The aims of the meeting will be to:

- (a)** identify the cause or causes of the poor performance and to determine what, if any, remedial actions (e.g. training, retraining, support) can be taken.
- (b)** explain clearly the shortfall between your performance and the required standard.
- (c)** obtain your commitment to reaching that standard, by setting realistic targets.
- (d)** set a reasonable period for you to reach the standard, and to agree on the operation of a monitoring system during that period.
- (e)** tell you what will happen if that standard is not met.

4. FAILURE TO ATTEND A MEETING

4.1 If you fail/refuse to attend an arranged interview, we reserve the right to continue any investigation and formal action in your absence, depending upon the circumstances.

5. POSSIBLE OUTCOMES FOLLOWING THE FORMAL MEETING

5.1 No formal sanction to be applied

Following the interview, it may be decided that no formal sanction is to be applied at this time, and that further informal support such as counselling, further training or retraining should be provided. The informal procedure outlined above will be invoked at this time.

5.2 Conduct issue

If it is established that the reasons for poor performance are conduct related rather than ability related, the Disciplinary Policy and Procedure will be invoked.

5.3 Formal sanction to be applied

It may be decided following the meeting that a formal sanction is to be applied. You have the right to appeal against any formal sanction. The sanctions that may be applied under this policy are as follows:

5.4 Stage 1 – First Warning

Where the informal approach has failed to achieve a satisfactory standard of performance, depending on the circumstances, a first warning may be given. You will be advised of the reason for the warning, the

improvement that is required and a timescale for the improvement. You will be warned that further action may be taken if there has been no significant improvement towards the required standards during the review period or if a new capability shortfall arises. Such warnings will be recorded and kept on file but will be disregarded after six months' subject to satisfactory performance levels through this period.

6. STAGE 2 – FINAL WRITTEN WARNING

6.1 If there has been no significant improvement during the review period or a new capability shortfall has arisen, a further formal interview will be held. Depending upon the circumstances, a final written warning may be issued. The warning will outline details of the capability issue, the improvement required and the timeframe for improvement.

You will be warned that Stage 3 of the Capability Procedure may be invoked if the required standard of performance is not achieved or there is a new capability shortfall. A copy of the warning will be kept on file, but it will be disregarded for capability purposes after twelve months, subject to satisfactory performance levels through this period.

7. STAGE 3- DISMISSAL OR ACTION SHORT OF DISMISSAL

7.1 If you fail to reach the expected levels of performance within the review period, and/ or a further related shortfall arises within the live period of the final written warning, a further formal interview should be arranged.

7.2 If, after considering the evidence, a decision is taken that you are unable to perform to the required standards for the role, the outcome may be dismissal or some action short of dismissal. Action short of dismissal will include considering whether any suitable alternative employment is available.

8. FOLLOWING A FORMAL INTERVIEW

8.1 Following a formal interview, within 5 days of the meeting, you will be provided with a written statement detailing the following:

- (a)** the formal action to be taken (if any). If formal action has been taken, the letter will advise you of the duration that the warning will remain live.
- (b)** any training, support or 'reasonable adjustments' to assist you
- (c)** details of the agreed review periods
- (d)** a copy of the minutes from the meeting for review

9. REVIEW PERIODS

9.1 At each stage of the Capability Procedure, a review period and improvements that are necessary will be agreed with you and confirmed in writing. The length of the review period will vary from one case to the next but should be of a sufficient and realistic length of time that allows you to demonstrate improvement in your attendance. As guidance, a minimum review period of 4 weeks will be expected.

9.2 A review period may be extended if, at the end of it, some improvements have been noted but problems still persist. It may also be extended if other shortfalls have arisen which could be improved by extending the review period rather than progressing immediately to a further stage of the Procedure, or if any other mitigating circumstances arise.

10. FURTHER FORMAL REVIEW MEETINGS

10.1 In all cases, at the end of the review period a further formal interview will be held. The following outcomes and actions are possible

(a) If the required improvement has been made, you will be told that that is the case and be encouraged to maintain the improvement. Further formal review meetings will be arranged, as appropriate.

(b) If some improvement has been made but the standard has not yet been met, the review period will be extended. During the review period, a further formal interview will be arranged.

(c) If there has been no discernible improvement, your manager will explain to you that you have failed to improve. Further formal action may be taken as outlined above.

11. APPEALS PROCEDURE

11.1 All employees have the right to appeal against any Capability action taken. If you wish to appeal, you should do so in writing within 5 working days of the date of the Capability action being notified in writing. The person to whom the appeal is to be made will be advised during the formal interview. You must set out the full grounds upon which the appeal is made and whether it applies to the finding that there is a capability issue or whether it applies to the sanction imposed. You should note that the appeal hearing will focus on the specific factors that you feel have received insufficient consideration.

11.2 You have the right to be accompanied by a fellow UCFB employee or a trade union official to the hearing.

11.3 Arrangements to hear the appeal will normally be made within five working days of receiving your written request. The appeal will be heard by a senior manager who has not been previously involved in the capability procedure to ensure impartiality. The manager hearing the appeal will review the penalty imposed. The manager has the authority to overturn the original decision, and decide what capability sanction, if any, should be applied. The capability sanction applied cannot be increased during the appeals procedure.

11.4 The manager hearing the appeal will advise you of the outcome of the appeal in writing no later than five working days after the hearing. Following the appeals hearing, there is no further right of appeal via the capability procedure. The grievance procedure cannot be used for appeals against capability decisions as this is the purpose of the Capability Appeals Procedure.

12. SUITABLE ALTERNATIVE EMPLOYMENT

12.1 If you are offered suitable alternative employment, you will be given the option of accepting such a vacancy or being dismissed. If such vacancies are available, the employee will be given full details, in writing, before being required to make a decision.

13. REDUNDANCY

13.1 If the main cause of the poor performance is the fact that the job has changed over time, we will consider whether a redundancy situation has occurred. In such cases, UCFB will discuss all matters with the individual concerned.

This policy is designed to be as comprehensive as possible but does not cover all aspects of employment legislation pertaining to this subject. The policy should be used as a guidance document only. If an employee has any queries which are not answered or if they have any other questions about the policy, they should contact the Human Resources department.

Performance Improvement Plan for: <Name>

Description of the underperformance:	<Enter a description of the nature of the underperformance.>
Aim of the Performance Improvement Plan:	<Enter the overall aim of the Performance Improvement Plan.>
Plan Start Date:	<Enter the date the Performance Improvement Plan commences.>
Plan End Date:	<Enter the date the Performance Improvement Plan finishes.>

Improvement Objectives What, specifically must the individual do to improve their performance to meet expected standards?	Success Criteria How will you know when the expected standards of performance have been met?	Additional Support Required What additional development or support does the individual require in order that they are able to achieve the expected standards?	Review Schedule When will progress against the improvement objective be reviewed? How will evidence of progress be collected? Who will review progress?	Objective Outcome When will the final review of the plan be undertaken and by whom? What is the final outcome? What action will be taken if expected standards are not met?
<Enter improvement objective 1>	<Detail success criteria for improvement objective 1>	<Detail the additional support required to succeed in achieving improvement objective 1>	<Detail when progress against improvement objective 1 will be reviewed, how and by whom.>	<Detail the specific consequences if the individual does not achieve improvement objective 1>
<Enter improvement objective 2>	<Detail success criteria for improvement objective 2>	<Detail the additional support required to succeed in achieving improvement objective 2>	<Detail when progress against improvement objective 2 will be reviewed, how and by whom.>	<Detail the specific consequences if the individual does not achieve improvement objective 2>
<...>	<...>	<...>	<...>	<...>
Line Manager:	Date:	Overall outcome if plan objectives are achieved / not achieved: <Enter overall outcome / consequences if the Performance Improvement Plan is / is not completed satisfactorily by the plan end date.>		