

CAPABILITY PROCEDURE

1 Purpose and Principles

1.1 The purpose of the capability procedure is to help and encourage members of staff to achieve and maintain required standards of performance. The aim of the procedure is also to ensure that when action needs to be taken, it is applied consistently and fairly in every case.

1.2 Managers are expected regularly to review the performance of the staff they manage, giving timely feedback, and providing support, training and resources as appropriate.

1.3 The capability procedure is a staged procedure focussing on identifying the reasons for underperformance, working towards a resolution and providing support for the individual at each stage.

1.4 Performance concerns should be resolved informally between the member of staff and their line manager wherever possible.

1.5 Although the usual performance standards must apply to trade union representatives, no formal sanction will be applied in respect of a member of staff who is an accredited Trade Union representative until the circumstances of the case have been discussed with the local senior representative of the Union concerned or a full-time official.

1.6 The Company will endeavour to deal with matters under this procedure promptly and without undue delay, and expects the member of staff concerned to co-operate to achieve that aim.

2 Scope

2.1 This procedure does not apply to formal action or dismissals during the probationary period.

2.2 This procedure only applies to issues of capability (including the management of short-term absence and poor performance). Long term sickness will be managed in line with the sickness absence policy. For conduct issues please refer to the Disciplinary Procedure.

3 Informal action

Stage 1

3.1 In cases of minor shortfalls in performance, the immediate supervisor should discuss these concerns with the member of staff informally. Appropriate action at this stage may include:

- support and training;
- advice and guidance;

- action plan/improvement plan with objectives which are specific, measurable, achievable, realistic and timely and a specific review period.

It is recommended that a review period of between one and three months is a suitable timeframe to demonstrate improvement for most performance concerns.

3.2 The purpose of this discussion is to ensure that the member of staff:

- is aware of the concerns;
- knows what is required to meet expected standards of performance;
- is supported in trying to achieve the expected standards of performance;
- is made aware of the timescale over which an improvement is required;
- is made aware of the consequences of not achieving the required standard.

3.3 The manager should keep notes of any informal meetings and, where appropriate, should confirm the main points and outcomes of the meeting in writing.

4 Authority to take formal action arising from the formal stages of this procedure.

4.1 A first written warning may be given by the appropriate line manager (or supervisor according to circumstances) in consultation with the Human Resources Manager/Officer.

4.2 A final written warning may be given by the General Manager or other senior manager in consultation with the Human Resources Manager/Officer.

4.3 All levels of sanction under this procedure, including dismissal, may be taken by Deputy Directors or the Director of Campus Services in consultation with the Human Resources Manager/Officer.

4.4 The Director of Campus Services may authorise other named managers to take defined levels of action in accordance with this procedure.

5 Formal Stages in the Capability Procedure

Stage 2

5.1 If, following informal action, there has been insufficient improvement in performance, action will be taken under the formal Capability procedure. The manager/supervisor, in conjunction with the Human Resources Manager/Officer, is authorised to decide if formal action is to be taken and will arrange a meeting accordingly. Prior to the meeting, the manager/supervisor will assemble the relevant documentary evidence which may include: details of complaints; job description, absence records and training records. The manager/supervisor must advise the member of staff in writing, at least one week before the date of the meeting:

- that there will be a meeting under the Capability procedure;
- of the date, time and venue of the meeting;
- of the concerns about their performance;
- of the possible outcomes under the Capability procedure;
- enclosing a copy of any statements and other relevant evidence;
- of their right to be accompanied by a workplace colleague or trade union representative.

5.2 The purpose of the meeting is to give the member of staff an opportunity to state their case and to respond to the concerns about underperformance that have been made.

5.3 At the meeting, the manager/supervisor will review all the documentary evidence and also question the member of staff in order to clarify any of the issues raised.

5.4 The meeting will then be adjourned to consider the evidence and make a decision. In more complex cases if further time is needed the decision may be communicated in writing within one week.

The decision may either be:

- take no formal action or;
- give a first written warning with improvement note and review period if attempts to resolve the underperformance informally have been unsuccessful.

Stage 3

5.5 If, following a first written warning, there is insufficient improvement in performance; a further capability meeting will be arranged. Once the evidence has been reviewed and the employee has put forward their explanations the manager should make a decision whether to:

- take no formal action or;
- give a final written warning with improvement note and review period if attempts to resolve the underperformance informally have been unsuccessful.

Stage 4

5.6 If, following a final written warning, there is insufficient improvement in performance a further capability meeting will be arranged. Once the evidence has been reviewed and the employee has put forward their explanations the manager should make a decision whether to:

- take no formal action or;
- give the employee notice of dismissal.

The decision will be confirmed in writing following the meeting, normally within one week.

6 Appeals

6.1 A member of staff has a right of appeal against any action arising from the formal stages of the Capability Procedure, which should be exercised within two weeks of receipt of the letter.

6.2 The appeal, stating the grounds on which it is made, must be in writing addressed to the Human Resources Manager.

6.4 Appeals will be heard by a senior manager who has had no previous involvement in the case, normally with 4 weeks unless otherwise agreed.

6.6 Following the appeal, a decision will be made as to whether to:

- uphold the action taken; or
- withdraw the action taken; or
- reduce the level of action taken

The decision will be final and will be confirmed in writing.

Summary of stages in the capability procedure

Note: normally all stages must be followed consecutively beginning with informal action.

Stage	Action	Reason
1 - Informal	Informal discussion followed by verbal warning	Underperformance or other capability issue
2 - Formal	Formal meeting followed by First written warning	No improvement following informal action
3 - Formal	Formal meeting followed by Final written warning	No improvement following first written warning
4 - Formal	Formal meeting followed by Dismissal	No improvement following final written warning