



# Staff Handbook

Schedule 32 - Capability

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## Document History

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## Schedule 32

### Capability Procedure

#### 1. About this procedure

- 1.1 This procedure is intended to ensure fairness and consistency when dealing with allegations of poor performance.
- 1.2 Performance issues can usually be resolved informally with your Team Representative, Principal Consultant or HR. This procedure sets out formal steps to be taken if this cannot be resolved informally.
- 1.3 We will always be supportive and help to take action to improve your performance, taking into account any mitigating circumstances that may be affecting your performance.
- 1.4 This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.
- 1.5 This procedure does not form part of any employee's contract of employment and we may amend it at any time.

#### 2. Defining Capability

Capability refers to an employee's ability to be able to carry out the work expected of them to the required standards. The capability process is there to address underperformance where it seems to be due to capability to do their job, rather than conduct or behaviour.

#### 3. Investigations

- 3.1 Before any capability hearing is held, the matter will be investigated. Any meetings and discussions as part of an investigation are solely for the purpose of fact-finding.

#### 4. Capability action

Performance issues can usually be resolved informally with your Team Representative and/or your Principal Consultant by having a discussion around the area(s) of concern, establishing the likely cause for the related poor performance, and setting expected standards.

If your performance is not up to standard after an informal discussion, the following process will be followed:

- (a) **Stage 1: First Improvement Notice.** Where an informal discussion with your Team Representative and/or Principal Consultant has not resolved performance issues, you'll be invited to a meeting with HR and your Team Representative and/or Principal Consultant. The outcome of the meeting will be an agreed Performance Improvement Plan with an agreed review period. This will be confirmed in writing and you'll receive continued support throughout the review period. If you have not met the required standard at the end of the review period, however we don't warrant moving onto stage 2, we may look to extend your review period and offer additional support.
- (b) **Stage 2: Final Improvement Notice.** If your performance hasn't improved, we will invite you to a final improvement notice meeting with HR and your Team Representative. The outcome of the meeting will be an agreed Final Performance Improvement Plan with an agreed review period. This will be confirmed in writing and you'll receive continued support throughout the review period. If you have not met the required standard at the

end of the review period, however we don't warrant moving onto stage 3, we may look to extend your review period and offer additional support.

- (c) **Stage 3: Dismissal or other action.** If you haven't shown the required standard of work, a formal meeting will be held with HR, your Team Representative and/or Principal Consultant and other relevant parties (e.g. Directors). The meeting will include a presentation of your case, including the improvement plans set, review periods and your response. We may consider dismissal depending on the outcome, however we will always endeavor to use this as a last resort. We will always try to consider other sanctions short of dismissal such as demotion or redeployment to another more suitable role.

Each stage will be confirmed in writing, including where no further action has been required.

## 5. **The formal meetings**

- 5.1 We will give you written notice of the hearing, including sufficient information about why we have concerns over your performance and its possible consequences to enable you to prepare. You will normally be given copies of relevant documents and witness statements.
- 5.2 You may be accompanied at the stage 1, 2 and 3 meeting by a colleague, who will be allowed reasonable paid time off to act as your companion.
- 5.3 You should let us know as early as possible if there are any relevant witnesses you would like to attend the hearing or any documents or other evidence you wish to be considered.
- 5.4 We will inform you in writing of our decision, usually within two weeks of the hearing if no further investigation is required.

## 6. **Appeals**

- 6.1 You may appeal in writing within one week of being told of the decision.
- 6.2 The appeal hearing will, where possible, be held by someone other than the person who held the original hearing. You may bring a colleague with you to the appeal hearing.
- 6.3 We will inform you in writing of our final decision as soon as possible, usually within one week of the appeal hearing. There is no further right of appeal.