Capability procedure – summary

Informal meeting

- Prepare using guidance in procedure and code of practice
- Hold meeting to
  - address issues (provide evidence)
  - clarify standards
  - identify any underlying problems or factors
  - identify improvements required
  - offer reasonable training/development/support
  - set regular progress review meetings
  - set timeframe for review
- Provide written notes of meeting and improvement plan
- No formal right to representation.

Formal interview (Stage 1)

- Seek advice from HR before initiating
- Invite employee to meeting
  - 5 working days’ written notice
  - advance copies of documentation
  - right to call witnesses (notify in advance)
  - right to representation
- At meeting:
  - discuss evidence of poor performance
  - clarify/restate standards and expectations
  - identify any underlying problems or factors
  - identify improvements required
  - discuss draft improvement plan
  - identify any further reasonable training/development/support
  - set regular progress review meetings
  - set timeframe for review
  - issue Formal Caution (disregarded after 12 months)
  - advise of right of appeal
- Provide written notes of meeting within two working days
  - confirm formal caution and right of appeal
  - confirm improvement plan
  - copies to HR and employee’s representative, where appropriate

Formal review (Stage 2)

- To take place at end of review period
- Seek advice from HR before initiating
• Invite employee to meeting (as above)
  ▪ include notes of previous meeting, improvement plan, further evidence
• At review meeting:
  ▪ review progress against improvement plan
• Where improvement is satisfactory
  ▪ confirm improvement
  ▪ encourage employee to sustain performance
  ▪ confirm outcome in writing within two working days
  ▪ copy to HR and representative where appropriate
  ▪ continue to monitor for a while to ensure sustained improvement
• Where some reasonable improvement but not sufficient
  ▪ inform employee
  ▪ restate standards and expectations
  ▪ extend review period
  ▪ update improvement plan
  ▪ confirm in writing within two working days
  ▪ copy to HR and representative where appropriate
• Where little or no improvement
  ▪ discuss evidence of continued poor performance
  ▪ restate standards and expectations
  ▪ set further review period
  ▪ update improvement plan with new target dates
  ▪ continue to look at reasonable training/development/support
  ▪ discuss alternative options including transfer to suitable alternative employment or downgrading role
  ▪ issue Final Caution (disregarded after 12 months)
  ▪ inform employee that failure to improve could result in dismissal
  ▪ advise of right of appeal
  ▪ provide written notes of meeting within two working days
  ▪ confirm final caution and right of appeal
  ▪ confirm improvement plan
  ▪ copies to HR and employee’s representative, where appropriate

Final review (Stage 3)
• To take place at end of review period.
• HR to be consulted in advance and must be present at meeting
• To be arranged with more senior manager than previous meetings (must also have authority to dismiss)
• Invite employee to meeting (as above)
  ▪ include notes of previous meeting, improvement plan, further evidence
• Where improvement is satisfactory
- confirm improvement
- encourage employee to sustain performance
- confirm outcome in writing within two working days
- copy to HR and representative where appropriate
- continue to monitor for a while to ensure sustained improvement

Where significant improvement but further limited support necessary to secure permanent satisfactory improvement
- inform employee
- restate standards and expectations
- give examples of underperformance
- extend review period
- update improvement plan
- confirm in writing within two working days
- copy to HR and representative where appropriate

Where insufficient or unsustained improvement within agreed timescales
- discuss evidence of continued poor performance
- inform employee of failure to improve
- advise employee of possible dismissal
- seek views from employee and their agreement/recognition of what’s happened
- advise employee of options under consideration including:
  - withholding increment or automatic progression
  - extension to review period
  - transfer to suitable alternative employment
  - review of job description and possible downgrade
  - dismissal
- advise employee of suitable available vacancies where appropriate
- Adjourn meeting to consider all facts.

In reaching decision, ensure satisfied that
- expectations and standards were reasonable
- line manager has acted fairly
- reasonable practical assistance has been given
- suitable alternative employment been fully explored

Reconvene meeting to inform employee of decision

Where opportunity to downgrade position or transfer to lower grade
- confirm outcome of meeting within two working days, copied to HR and employee representative where appropriate
- arrange meeting within ten working days to finalise and agree position
- allow employee ten days to consider the offer which must be accepted in writing
- no pay protection applies
• Where no opportunities for transfer/downgrade/redeployment are available or rejected, issue notice of dismissal on grounds of capability
• Advise of right to appeal
• Confirm dismissal in writing within two working days of the meeting, along with notes of meeting
• Copy to HR and employee representative where appropriate
• Continue to look for redeployment opportunities during period of notice

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