



# Capability Policy and Procedure

## Document Control Sheet

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| <b>Lead SMB Member</b>            | Head of HR                   |
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| <b>Date Policy Effective From</b> |                              |
| <b>Next Review Date</b>           |                              |

Unless this copy has been taken directly from Ryedale District Council's intranet, there is no assurance that this is the most up to date version.

This policy supersedes all previous issues

## **1. Purpose and Scope**

1.1. This policy has been put in place to encourage all employees to achieve and maintain the required standard of performance and to ensure consistent and fair treatment for all.

This policy applies to all employees of Ryedale District Council. Any employee on Chief Officer Terms and Conditions will fall within the guidelines of the Joint Negotiation Committee and therefore this policy will not apply.

The policy does not apply to any employees in the following circumstances:

- Employees within their probationary period. Please refer to the probationary policy.
- For dealing with issues of misconduct, attendance or grievance, for which separate policies apply and there may be occasions where employees are subject to more than one process at a time.

## **2. Principles**

2.1. The following principles will be applied to all capability matters;

- Employees' performance will firstly be regularly appraised informally through regular supervision, which will involve agreeing objectives and setting targets and identifying training and developmental needs. This will feed into the corporate framework for appraisals within the organisation.
- It will be the joint responsibility of the employee and the employee's line manager to ensure that the duties of the post are carried out to the required standard on an ongoing basis.
- The informal stage of the procedure, as detailed above, must be carried out by the line manager before any further action is taken and every effort should be made to resolve the issue at this stage. This must be clearly documented and evidence needs to be available which clearly demonstrates that the employee is aware of concerns in relation to their performance before matters are progressed to this procedure.
- Where a lack of necessary skills are identified, the manager will take all reasonable steps to provide appropriate training, supervision or support which could help the employee to sufficiently improve their performance. Managers should keep a record of all training and development that is provided.

- Employees are to be clearly notified of their expectations and their responsibilities at all stages of the procedure, including the informal stage. The Action Plan (Appendix 1) may be used during all stages.
- It is in the interests of both the Service and the employee that capability issues are resolved as quickly as possible. Therefore action under the appropriate stages of this policy should be taken promptly and no party should unreasonably delay the process being followed.

### **3. Procedure/Informal Stage**

- 3.1. It is expected that managers would raise any performance issues with an employee as part of the normal supervisory process. All records of these conversations should be kept, including additional training needs and support already provided.
- 3.2. If following this, there continues to be issues with an employee's performance or if it is felt the performance issues cannot be addressed through the normal supervisory process, then the following Capability procedure should be invoked.
- 3.3. During all stages of the informal or formal capability process, communication between parties is key to a successful outcome for all concerned. Notes of discussions should be taken and kept securely, support given should be noted and HR advice should be sought about different options of support that may be appropriate and/or available through wider networks.
- 3.4. It may be necessary during both informal and formal stages to have more regular 1-2-1 meetings between the line manager and employee than normal in order to assess improvements and provide an adequate level of support. This should be agreed in advance and should remain supportive.
- 3.5. Managers should be able to evidence a variety of methods, training and additional support that they have considered/implemented or, if this is not suitable or appropriate, annotate the reasons why this decision has taken place. Employees may also suggest additional support that they would like management to consider in order to improve their performance.

### **4. Stage 1**

- 4.1. When it has been concluded that the formal Capability procedure should be invoked the employee should be spoken to by the manager and informed of this. They will then be invited to an initial capability meeting where the process will be discussed. At this point the manager should reiterate to the employee of the areas of performance that are to be addressed.
- 4.2. The manager should provide a copy of this policy to the employee and ensure they are aware that the purpose of the capability procedure is to support the employee to reach the required level of performance.

- 4.3. The manager should invite the employee to the initial capability meeting in writing, confirming the areas of performance that are to be discussed. The letter should be sent in advance of the meeting, allowing the employee time to prepare and arrange for their Union Representative or work colleague to be in attendance.
- 4.4. The employee will have the opportunity to discuss any difficulties they may be having, and together both parties will try to establish and agree appropriate action to be taken which will help to improve performance to the required standard. Specific targets should be clearly set out including what the employee needs to do to achieve them. At this point the length of monitoring period and the regularity of review meetings should be decided upon and relayed to the employee. A written record of the meeting should be taken and a copy provided to the employee.
- 4.5. Specific attention should be paid to any additional support that may be required to enable the employee to reach the required standard. This may be in the form of additional support either inside or outside of the organisation as appropriate to the expertise available, and may take a number of forms, for example, online training, mentoring, attending courses, conversations with high performing departments/individuals. Like objectives, behaviours should be agreed between managers and staff to ensure they are appropriate to the role and understood and are actioned immediately.
- 4.6. The employee's performance will be monitored for a specified period of time, which will be for a minimum of 4 weeks but should be no longer than 8 weeks from the initial meeting date. During that period, both the line manager and employee should meet at an agreed frequency in order to achieve a satisfactory outcome. A written record of all such meetings and the targets set should be retained by the line manager whilst the matter is in progress, and a copy will be given to the employee.
- 4.7. The employee should be informed that if the expected levels of performance are not met within the monitoring period that the process will move onto the next stage.
- 4.8. It is hoped that with additional support, the monitoring period should enable the employee to achieve a satisfactory level of performance, thus ending this process. However if at the end of the monitoring period, satisfactory levels of performance have not been met then the process should move onto the next stage. The employee should be told at this point that the next stage of the process has been invoked and why this decision has been taken.

## **5. Stage 2**

- 5.1. When it has been concluded that the initial capability meeting and monitoring period has been unsuccessful and the employee has not sufficiently improved their level of performance, the process should be moved onto the second stage and the manager should inform the employee of this. The employee will then be invited to the second capability meeting where the next

stage of the process will be discussed.

- 5.2. The manager should invite the employee to the second capability meeting in writing, confirming the areas of performance that are to be discussed. The letter should be sent in advance of the meeting, allowing the employee time to prepare and arrange for their Union Representative or work colleague to be in attendance.
- 5.3. The letter should recap the areas of the employees performance that are not satisfactory, the targets previously set and outline the support offered to date to the employee to improve performance.
- 5.4. At the meeting the manager will outline the nature of the underperformance and what measures have already been taken to support the employee as set out in the initial capability meeting and monitoring period.
- 5.5. The employee will be given the opportunity to explain why they have not met the required standards during the initial monitoring period, any issues or concerns that they may have and any further support that they think they may need.
- 5.6. At this point the manager will give consideration to a further period of monitoring and if any further support is needed. As in stage 1, specific targets should be clearly set out including what the employee needs to do to achieve them. At this point the length of the further monitoring period and the regularity or review meetings should be decided upon and relayed to the employee. A written record of the meeting should be taken and a copy provided to the employee.
- 5.7. The employee's performance will be monitored for a specified period of time, which will be for a minimum of 4 weeks but should be no longer than 8 weeks from the initial meeting date. During that period, both the line manager and employee should meet at an agreed frequency in order to achieve a satisfactory outcome. A written record of all such meetings and the targets set should be retained by the line manager whilst the matter is in progress and a copy will be given to the employee.
- 5.8. The employee should be informed that should the expected levels of performance not be met within the monitoring period, that the process will move to a hearing where other employment options will be considered including dismissal on the grounds of capability.
- 5.9. It is hoped that with additional support, the further monitoring period should enable the employee to achieve a satisfactory level of performance, thus ending this process. However, if at the end of the monitoring period, satisfactory levels of performance have not been met then the process should move to a hearing, Stage 3 as outlined below.

## **6. Stage 3**

- 6.1. If the further monitoring period has been unsuccessful and the employee has not reached the required level of performance following the second monitoring period, the manager should meet with the employee to discuss this. The manager should inform the employee that a hearing will now be arranged where the future of their employment will be considered.
- 6.2. At the hearing the Manager will describe the unsatisfactory levels of performance and the support offered to date to assist the employee. The employee will have the opportunity to present their case also. The employee has the right to be accompanied by a trade union representative or work colleague at the hearing. The hearing will be chaired by a Head of Service or above who will be accompanied by a member of HR who, when both parties have presented all of their information fully, will decide the appropriate outcome. This can be, but is not limited to;
- Redeployment into a different post within the Authority
  - An extension to the monitoring period and/or further support/training
  - Demotion into a lower graded post without pay protection
  - A change in working hours or duties
  - Dismissal on the grounds of capability
- 6.3. The outcome of the hearing will be confirmed to the employee in writing. The employee will have the right of appeal against the decision. To do this they must write to the chair of the hearing within 10 working days of receipt of the outcome letter, detailing the reason for appeal.

## **7. Appeals**

- 7.1. An employee may appeal against any of the actions listed above.
- 7.2. Appeals against dismissal will be heard by a Member of Senior Management Board and at least one Elected Member as part of the panel to ensure impartiality.
- 7.3. Appeals against any other sanction will be heard by the relevant member of the Council's Strategic Management Board or their representative, accompanied by a member of HR.
- 7.4. Any appeal must be made in writing within 10 working days of the receipt of the letter confirming the outcome. The appeal should be sent in writing to the Manager.

## Capability: Action Plan

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|   |                   |                     |  |
|---|-------------------|---------------------|--|
| <b>Employee Name</b>                          |                   | <b>Job Title</b>    |  |
| <b>Line Manager</b>                           |                   | <b>Department</b>   |  |
| <b>Stage</b> ( <i>delete as appropriate</i> ) | Informal / Formal | <b>Meeting Date</b> |  |

|   | <b>Issue</b> (be clear if this is something that the employee is doing or not doing and what is and isn't acceptable) | <b>Action/Training to take place</b> (is this internal or external, consider mentoring, buddying, visits to other Councils if possible) | <b>Dates of meetings/milestones</b> | <b>People involved</b> | <b>Review period</b> |
|---|---|---|-------------------------------------|------------------------|----------------------|
| 1 |   |   |                                     |                        |                      |
| 2 |   |   |                                     |                        |                      |
| 3 |   |   |                                     |                        |                      |
| 4 |   |   |                                     |                        |                      |

|  |  |             |  |
|--|--|-------------|--|
| <b>Actions agreed (Manager signature)</b>  |  | <b>Date</b> |  |
| <b>Actions agreed (Employee signature)</b> |  | <b>Date</b> |  |