

APPENDIX 3 CAPABILITY PROCEDURES

INTRODUCTION

During your employment your capability to carry out your duties may deteriorate. This can be for a number of reasons, the common ones being that either the job changes over a period of time and staff fail to keep pace with the changes, or staff change (most commonly because of health reasons) and you can no longer cope with the work.

JOB CHANGES / GENERAL CAPABILITY ISSUES

If the nature of the job changes or if I have general concerns about staff ability to perform their job I will try to ensure that staff understand the level of performance expected of them and that staff receive adequate training and support. Concerns regarding staff capability will normally first be discussed in an informal manner and staff concerned, and they will be given time to improve.

If the standard of performance is still not adequate, staff will be warned in writing that a failure to improve and maintain the performance required could lead to their dismissal. I will also consider the possibility of changing staff duties to more suitable work if at all possible.

If there is still not improvement after a reasonable time and I cannot offer flexibility in the work staff undertake, or if their level of performance has a serious or substantial effect on me, staff will be issued with a final warning that they will be dismissed unless the required standard of performance is achieved and maintained.

If such improvement is not forthcoming after a reasonable period of time, staff will be dismissed with the appropriate notice.

C) PERSONAL CIRCUMSTANCES / HEALTH ISSUES

personal circumstances may arise which do not prevent staff from attending work but which prevent staff carrying out their normal duties (eg a lack of dexterity or general ill health). If such a situation arises, I will normally need to have detail of the medical diagnosis and prognosis so that I have the benefit of expert advice. Under normal circumstances this can be most easily obtained by asking the staff member's own doctor for a medical report. Their permission is needed before I can obtain such a report and I will expect staff to co-operate in this matter should the need arise. When I have obtained as much information as possible regarding their condition and after consultation, a decision will be made about future employment with me in the current role or, where circumstances permit, in a more suitable role.

There may also be personal circumstances which prevent staff from attending work, either for a prolonged period (s) or for frequent short absences. Under these circumstances I will need to know when I can expect staff attendance record to reach an acceptable level. This may again mean asking the staff members own doctor for a medical report or by making whatever investigations are appropriate in the circumstances. When I have obtained as much information as possible regarding staff condition, and after consultation with staff, a decision will be made about staff future employment with me in their current role or, where circumstances permit, in a more suitable role.

D) SHORT SERVICE STAFF

I retain discretion in respect of the capability procedures to take account of length of service and to vary the procedures accordingly. If staff have short amount of service, they may not be in receipt of

any warnings before dismissal but staff will retain the right to a hearing and staff will have the right to appeal.

CAPABILITY AND DISCIPLINARY APPEAL PROCEDURE

Staff have the right to lodge an appeal against any capability/disciplinary action taken against them.

If staff wish to exercise this right they should apply in writing

An appeal against a formal warning or dismissal should give details of why the penalty imposed is too severe, inappropriate or unfair in the circumstances.

Wherever possible I would seek to appoint a representative not previously connected with the process to conduct the appeal procedure so that an independent decision into the severity and appropriateness of the action taken can be made.

However, due to circumstances, and only as a last resort, it may be the case that the appeal would have to be heard by the person that made the original decision. Should this prove necessary it would be likely that the appeal meeting would take the form of a complete re-hearing in order that the entirety of the process could be reappraised before deciding to grant or refuse the appeal.

It would also be the case that staff appeal may take the form of a complete re-hearing if the appeal is on the grounds that they have not committed the offence.

Staff may be accompanied at any stage of the appeal hearing by a fellow employee or friend of their choice. The result of the appeal will be made known to staff in writing, normally within five working days after the hearing.