

Capability Procedure



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Note: Please be aware that any printed copies of this document may not be the most recent version. You should check on the Intranet to ensure that you are using the current version before relying on the information and policies contained within it.

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1. Introduction

- 1.1 Managers are responsible for monitoring and managing the performance of the employees within their team. This should be done on a regular basis, through one-to-one meetings and/or other supervision and through the [Performance Management Review \(PMR\)](#) process.
- 1.2 It is critical in these meetings/discussions that managers regularly communicate required performance standards to employees, and that these are also monitored and reviewed regularly. If an employee fails to meet these performance standards, then support and/or development should be offered. If, in spite of this, the employee is unable to work to an acceptable standard, then the Capability Procedure should be used
- 1.3 For the purposes of this procedure, lack of capability is defined as a situation where an employee fails to perform his or her duties to an acceptable standard. This includes both the achievement of outputs and targets and demonstration of required behaviours.
- 1.4 The purpose of the Capability Procedure is to take action over and above day-to-day performance management to ensure the employee reaches the required standard of performance, and that this is sustained. The manager should make clear to the employee that this is a supportive process. However, it should also be made clear that if the employee fails to meet the required standard in spite of support and development, this could lead to sanctions, up to and including dismissal for reasons of capability.

2. Scope

- 2.1 This procedure applies to employees at all levels of the Council, including support staff engaged at or employed at schools where the governing body has formally adopted the procedure, with the following exceptions:
 - Heads of Service/Operational Directors/Directors, who are subject to a separate procedure
 - Teachers, who have a separate capability procedure
 - Employees who are still within their probationary period, who will be subject to the Council's [Probationary Procedure](#).
- 2.2 This policy and procedure does not cover issues of misconduct, which should be dealt with using the Council's [Disciplinary Policy and Procedure](#).
- 2.3 The [Sickness Absence Policy and Procedures](#) will be used for capability issues that are related to ill health or authorised absenteeism.

3. General principles

- 3.1 At every stage of the procedure managers should clearly identify and specify:
 - The expected performance standards and behaviours
 - The improvements required and how these will be measured
 - A timetable for monitoring and review
 - Any support which will be put in place
 - The consequences of failure to meet and sustain the expected improvements

This should be discussed with the employee concerned and confirmed in writing.

- 3.2 The **employee's** performance should be closely monitored throughout any review period and they should be given feedback on their progress and be invited to comment.
- 3.3 The manager should deal with performance issues informally before commencing the formal capability procedure.
- 3.4 At all formal stages of the capability procedure an employee has the right to be accompanied by their Trade Union representative or a work colleague. Note: for the purposes of this procedure a work colleague will be a current employee of the Council.
- 3.5 If the **employee's chosen representative is not available at the time proposed for any** meeting or hearing, one alternative date will be set, normally no later than 5 working days from the original date.
- 3.6 Managers should consult with a Human Resources Employment Relations Advisor before taking formal action and may invite an ER Advisor to attend meetings where appropriate.
- 3.7 Where a manager intends to implement this procedure, they should ensure that the employee concerned is provided with a copy of the procedure.
- 3.8 Employees have the right of appeal against any warning issued as part of the formal procedure and also the right of appeal against dismissal by reason of capability.
- 3.9 In exceptional cases, the manager may shorten or miss out a stage of the procedure. For example:
 - Where an **employee's** performance falls far short of an acceptable standard and where support and guidance fail to produce any significant improvement
 - Where the employee has repeatedly failed to sustain improvements in performance (in spite of target setting, support etc.)
 - Where the **employee's lack of competence** presents an unacceptable risk to the safety or welfare of the employee or others
 - **Where the employee's lack of competence presents an unacceptable financial and/or reputational risk to the Council**

Note: The examples above are given for guidance only and are not exhaustive. Managers should always seek advice from an HR Employment Relations Advisor before shortening or missing out a stage of the procedure and should ensure that the employee is advised of this at the earliest possible stage. The employee is responsible for informing their Trade Union representative, or accompanying colleague (who must be a current employee of the Council).

- 3.10 An employee cannot raise a grievance to complain about, or object to the fact that the Council may take action under this procedure. The only exception would be if the grievance is that the action amounts to, or would amount to discrimination. In such cases, consideration should be given to suspending the capability procedure for a short period whilst this is looked into. The decision about whether or not to suspend the capability procedure, and for how long, is at the sole discretion of the **employee's** Head of Service/Operational Director, who should consult HR Employment Relations for advice.
- 3.11 Where the capability concerns a trade union representative, this should be discussed at the earliest opportunity with the Branch Secretary/Convenor or full time official, who should be invited to accompany the individual to any meetings under the Procedure. The

manager must seek advice from the HR Employment Relations Manager before commencing any action under the procedure.

- 3.12 If an employee goes off sick in the course of the Capability Procedure, **it is in everyone's** best interest to conclude matters as quickly as possible. The Council will work with the employee to achieve this. If sickness absence appears to have been triggered by the commencement of the capability procedure, the employee will be referred immediately to an Occupational Health Advisor to assess their fitness for attending and participating in capability meetings. (Please see Section 5 below).

4. Informal stage

- 4.1 Performance standards and targets should be discussed regularly as part of day to day supervision, one-to-one meetings and the PMR process. **If a manager has concerns about an employee's performance, these must be raised, without delay, at the above meetings.**
- 4.2 Minor performance problems, or a single, isolated incident of underperformance may be dealt with and quickly resolved through the above processes. However, where this is not the case, and performance is unsatisfactory, the manager should begin the informal stage of the Capability Procedure.
- 4.3 The manager should make it clear to the employee that their performance is now of such concern, that they have commenced the informal stage of the Capability Procedure.
- 4.4 The manager may begin the informal stage of the Capability Procedure as part of a one-to-one meeting. If so, the manager must make it clear that this is an informal meeting and not part of the formal capability procedure. No minimum notice of the meeting is required and the employee does not have the right to be accompanied by a Trade Union representative or work colleague at this stage.
- 4.5 If a one-to-one meeting or any other meeting is used to discuss capability issues, the manager must record this in their notes of the meeting, specifying that the employee is not performing to the required standard and that the informal capability procedure has commenced.
- 4.6 The manager must:
- Discuss fully their concerns **about the employee's performance**, explaining to the employee exactly how they are falling short of the required standard.
 - Ask the employee for their own views
 - Seek any other information to gain a fuller understanding of the reasons for the under-performance, including medical advice, if appropriate
 - Specify the improvements in performance required, how they will be measured or assessed and the timescale for improvement (Note: This should be no more than 8 weeks and no more than 4 weeks if there are critical performance problems or where welfare /safeguarding could be compromised)
 - Confirm to the employee what **will happen next and when the employee's** performance will be reviewed
 - Consider with the employee what support or actions may assist them to achieve the required level of performance
 - Warn the employee of the possible consequences of continued poor performance i.e. the formal capability procedure, which could lead to dismissal

- 4.6 The manager should take into consideration the employee's work history and record, sickness record etc. If, in the past, the standard of work has been satisfactory, it may be that the fall in standards is due to specific short term problems.
- 4.7 The manager should tactfully explore whether there have been any personal issues or other circumstances that resulted in performance problems. If this is the case, appropriate advice/support should be offered. The manager should also remind the employee of the [The Employee Helpline Service](#) is a confidential service which provides professional help, support and information. It is available 24 hours a day, 7 days a week and is operated completely independently of the Council on 0800 282 193.
- 4.8 When discussing concerns of poor performance the manager must be specific about their concerns and must demonstrate evidence and/or give examples to support their assertions.
- 4.9 Depending on the nature of the performance issues, the manager should ensure that a suitable programme of support is put in place, which may include more regular supervision and/or formal training or coaching.
- 4.10 The manager must confirm these discussions in writing to the employee. The letter should include:
- Specific details of the performance issue/s and the improvements required, how they will be measured and the agreed timescale for improvement
 - **A summary of the employee's explanation for their performance (where given)**
 - The date of a follow-up meeting, for reviewing performance again. (Note: This should be no more than 8 weeks and no more than 4 weeks if there are critical performance problems or where welfare /safeguarding could be compromised)
 - A summary of any support to be offered to the employee (including training and/or reasonable adjustments where appropriate)
 - A reminder of the consequences if the necessary improvements are not made, and maintained
- 4.11 **The employee's performance should be regularly monitored following the meeting and any support discussed should be put in place.**
- 4.12 If, following the monitoring period, the employee's performance meets the required standard, no further action will be taken. The improved performance will be acknowledged and the employee reminded that they must maintain this level of performance. If the employee fails to maintain this standard for at least 6 months, action will resume under the formal procedure. The manager must confirm this to the employee in writing.
- 4.13 If the employee has failed to meet the required standard of performance (and there are no mitigating circumstances) the manager should inform the employee that they are proceeding to the first formal stage of the procedure. Note: In exceptional circumstances, the manager may shorten or miss out a stage of the procedure (please see paragraph 3.9 above for examples). Before doing so, the manager should seek advice from an Employment Relations Adviser.

5. First formal stage

5.1 Prior to the first formal meeting

- 5.1.1 The manager should invite the employee to attend a first formal capability meeting if:

- The employee's **performance is** still unsatisfactory and has not reached the required standard despite target setting, monitoring and support or
- Improvements in performance have not been maintained for at least 6 months or
- There is a repeated pattern of failing to maintain improvements in performance

5.1.2 In most circumstances it should not be necessary for an Employment Relations Advisor to attend a First Formal Stage meeting. Managers may however request an ER Advisor to attend if this is felt necessary.

5.1.3 The employee will be given at least 5 working days' **notice**, in writing, of the time, date and location of the meeting. The letter should also:

- Specify the nature and details of the unsatisfactory performance
- Include a copy of any evidence which is to be considered at the meeting
- Confirm the employee's **right to be accompanied by a Trade Union representative or a work colleague** currently employed by the Council
- Inform the employee of who will be involved in the meeting
- Give an indication of the possible sanction which could be imposed if the concerns are found to be substantiated

5.1.4 If the employee intends to be represented or accompanied at the meeting (by their Trade Union representative or a work colleague), they must provide the name of the representative/colleague to their manager no later than 3 working days before the meeting. Note: The employee will be responsible for arranging the attendance of the Trade Union representative/work colleague at any formal meetings.

5.1.5 If the employee intends to submit a written statement or other supporting written evidence they may do this either directly or through their representative no later than 3 working days before the meeting.

5.2 The meeting

5.2.1 At the meeting, the manager should set out the specific concerns regarding the employee's **performance, together with any evidence to support this, referring as appropriate to how this was dealt with under the PMR procedure and/or at a previous one-to-one and informal meeting/s**, any targets for improvement that were set and any support that has been offered to the employee.

5.2.2 The employee and their representative will then be given an opportunity to give their response, and to present their case. This may provide new information or a different context to the information/evidence already collected.

5.2.3 Having considered all the statements and evidence presented, the manager may conclude that there are insufficient grounds for pursuing the capability issue and that it would be more appropriate to continue to address the remaining concerns through one-to-one meetings or the PMR process. In such cases, the capability procedure will come to an end.

5.2.4 The manager may also adjourn the meeting, for example if they decide that further investigation is needed, or that more time is needed in which to consider any additional information.

5.2.5 In other cases, the meeting will continue. During the meeting, or any other meeting which could lead to the issue of a formal written warning, the manager will:

- Confirm the standards of performance which are not being met;
- Give clear guidance on the improved standard of performance required
- Explain any support that will be available to help the employee improve their performance;
- Set out the timetable for improvement and explain how performance will be monitored and reviewed. The timetable will depend on the circumstances of the individual case, but should be no more than 8 weeks maximum (see Section 6.2 below).
- Warn the employee formally that failure to improve within the set period could lead to a final written warning or dismissal.

5.3 Outcome of the meeting

5.3.1 A letter summarising the content and outcome of the meeting should be sent to the employee within 5 working days of the meeting taking place. If no further action is to be taken under the procedure, this should be confirmed to the employee, explaining that performance will be monitored through one-to-one meetings or the PMR process. If this is not the case, the letter should clearly set out all the points covered in Section 5.2.5 above. The employee will be responsible for forwarding a copy to their representative.

5.3.2 Where a warning is issued, the employee must be informed:

- That the warning will remain on their personal file for one year
- That they have the right to appeal against the warning (please see Section 9 below).

6. Monitoring and review period

6.1 Following the meeting, there will be a performance monitoring and review period. Formal monitoring, evaluation, guidance and support will continue during this period.

6.2 The length of the monitoring period will depend on the circumstances of the individual case but should normally be no more than 8 weeks. **If the employee's** behaviour or lack of competence presents an unacceptable risk to the safety or welfare of the employee or others or presents an unacceptable financial and/or reputational risk to the Council, the monitoring period should be no more than 6 weeks.

6.3 An agreed monitoring period may be shortened (e.g. if it becomes clear that the employee is making no improvement or only minimal improvement in performance or there is a marked deterioration in performance, or for the reasons given in section 6.2 above). The manager should seek advice from an HR Employment Relations Advisor before shortening a previously agreed monitoring period.

6.4 The employee and the manager should meet regularly during the monitoring period to review progress. The manager should seek as much input from the employee as possible, inviting the employee to fully discuss the concerns raised and their own views on their progress.

6.5 **The manager should then confirm their assessment of the employee's** progress/improvements (both verbally and in writing) and take action as follows:

- **If the employee's performance meets the required standard, no further action will be taken.** The improved performance will be acknowledged and the employee reminded that they must maintain this level of performance for at least 6 months or action will resume under the final formal stage, a capability hearing.
- If the employee has failed to meet the required standard of performance (and there are no mitigating circumstances) the manager should inform the employee that they are proceeding to the final formal stage, a capability hearing.
- In exceptional circumstances only, the monitoring period may be extended for up to a further 4 weeks maximum. This should only be done if:
 - The employee has made significant efforts to improve performance and
 - There are mitigating reasons why they have not been able to demonstrate the required standard of performance within the monitoring period.

Note: The manager should seek advice from an HR Employment Relations Advisor before extending the monitoring period.

7. Final Formal Stage – Capability Hearing

7.1 Prior to the hearing

7.1.1 The manager should inform the Head of Service/Operational Director of the need to convene a Capability Hearing and provide them with any relevant background information and evidence concerning performance e.g. meeting notes.

7.1.2 The employee's Head of Service/Operational Director will convene and chair the Capability Hearing and issue correspondence accordingly as set out below. An Employment Relations Advisor will be in attendance at the hearing.

7.1.3 The Head of Service/Operational Director should write to the employee concerned, giving at least 10 working days' **notice** of the Capability Hearing. The letter should advise the employee:

- Of the purpose of the Hearing (i.e. to consider the employee's **capability and whether** their employment with the Council should continue)
- Of any evidence provided by the manager which is to be considered at the Hearing (including a copy of any written evidence)
- Of their right to be accompanied by a Trade Union representative or a work colleague (see 9.1.4 below)
- That they may submit a written statement or other evidence (see 9.1.5 below)
- Who will be involved in the Hearing
- That should the Hearing find that the employee's **performance is unacceptable, the likely outcome will be dismissal.**

7.1.4 If the employee intends to be represented or accompanied at the Hearing they must supply the name of the Trade Union representative/work colleague no later than 5 working days before the hearing.

7.1.5 If the employee intends to submit a written statement or other supporting written evidence they may do this either directly or through their representative and it must be submitted to the Head of Service/Operational Director no later than 5 working days before the Hearing.

7.1.6 The Head of Service/Operational Director should ensure that the manager and employee **have copies of each other's respective statements/evidence before the Hearing.**

7.2 The Hearing

7.2.1 At the Hearing, the manager should set out the specific concerns regarding the employee's **performance, together with any evidence to support this, referring as** appropriate to previous capability meetings held with the employee, targets set, support offered and degree of improvement or lack of improvement.

7.2.2 The employee and their representative will then be given an opportunity to give their response, and to present their case. This may provide new information or a different context to the information/evidence already collected.

Possible outcomes of Hearing

7.2.3 Having considered all the available evidence and the employee's **case**, the Head of Service/Operational Director may decide one of the following possible outcomes:

7.2.4 The possible outcomes of Hearing are:

- No further action
- Final written warning
- Dismissal (this will usually be with notice)
- Redeployment to a suitable post within the service area (see 7.2.9)

Note: **If the outcome is 'no further action' or a final written warning** this will be supplemented by management advice, guidance and/or recommendations for counselling, development, monitoring as appropriate.

No further action

7.2.5 If the Head of Service/Operational Director is satisfied that performance issues have been resolved or that there is insufficient evidence to warrant further sanctions they may decide that no further action is needed. In this case, the Head of Service/Operational Director may feel it is appropriate to set out for the employee expected standards of performance and/or behaviour in order to avoid subsequent action under the procedure in the future. This does not, however, constitute a written warning.

7.2.6 If the Head of Service/Operational Director recommends development activities, these should include a monitoring period for reviewing progress.

Final written warning

7.2.7 The Head of Service/Operational Director may issue a final written warning if they feel that dismissal is not warranted. The Head of Service/Operational Director has the authority to determine the appropriate duration of the warning having regard to the seriousness of the performance issues and any mitigating circumstances. This will normally be for 1 year but in any case no more than 2 years maximum. Further

monitoring of performance will be put in place.

Dismissal

- 7.2.8 Only Heads of Service/Operational Directors have the delegated authority to dismiss. Dismissal will be with notice.

Redeployment

- 7.2.9 As an alternative to dismissal, the employee may be redeployed to a post within the service area, where one is available. It will be the Head of Service/Operational Director's responsibility to identify such a post and be satisfied that the employee has the required skills and experience to be effective within the post. The post may be of a lower grade and in this case, salary protection will not apply. Where a suitable post cannot be identified, or the employee does not accept the redeployment offer, the employee will be dismissed with notice.

7.3 Following the hearing

- 7.3.1 The letter confirming the outcome of the hearing should be sent to the employee within 5 working days and copied to the Employment Relations Advisor. A copy should be retained on the **employee's personal file**. **The employee is responsible for forwarding a copy to their Trade Union representative.** The letter should:

- Summarise the issues discussed at the Capability Hearing
- Confirm the decision of the hearing
- Inform the employee of their right to appeal against a warning or dismissal, to whom the appeals must be submitted and the necessary time limits for this in accordance **with the Council's [Appeals Procedure](#).**

If the decision was to dismiss, the employee must be informed of their last day of service.

8. Dismissal following a final written warning

- 8.1 If during the life of the final written warning, the employee fails to meet the performance requirements specified in the warning, the manager should inform the employee that a further capability hearing will be convened which could result in their dismissal.
- 8.2 **The employee's manager should then inform the** Head of Service/Operational Director who will convene a hearing, the aim of which will be to hear the evidence and to enable the employee to put forward any mitigating circumstances.
- 8.3 The hearing will be conducted in line with procedure as outlined above. Only an officer with delegated authority to dismiss may do so. Dismissal will be with contractual notice.

9. Appeals against warnings or dismissal

- 9.1 Appeals must be submitted within the timescales outlined in the Council's [Appeals Procedure](#) and will be heard by the relevant panel in accordance with the procedure

10. Records

- 10.1 Details of any formal action, including any warnings, should be retained on the employee's **personal file**. **Warnings should be disregarded after the expiry of their life** (normally one year and no more than two years).

11. Employees with disabilities

- 11.1 If the employee is or becomes disabled, under the definitions of the Equality Act 2010, the manager must discuss with the employee any reasonable adjustments to support them in their work. The manager should consult an HR Employment Relations Advisor for advice. Further guidance is also available in [the Managers Guide to Supporting Employees with Disabilities](#).
- 11.2 If there are issues of underperformance, which are related to or affected by an **employee's disability, it is critical that the employee's manager initiates** discussions about reasonable adjustments without delay, and seeks advice as indicated above.

12. Employees who take sick leave in the course of the capability procedure

- 12.1 The Council recognises that it can be stressful to be under the capability procedure and to be called to a capability meeting or hearing and that an employee may go off sick with stress and obtain a Fit Note from their GP. However, the Council has an obligation to deal with underperformance and to proceed without undue delay.
- 12.2 If an employee is advised of a meeting or hearing and subsequently goes off sick with stress or any psychological condition (which is not pre-existing), **the employee's manager** should notify their Head of Service/Operational Director and Employment Relations Advisor.
- 12.3 Employees who are off sick are not being asked or requested to return to work. A letter or Fit Note from a GP may not be accepted as evidence of being unfit to attend a capability meeting/Hearing. It is critical that employees attend capability meetings whilst on sick leave, if they are capable of doing so, in order that the right support can be offered by the Council to help them to return to work and to resolve performance difficulties.
- 12.4 **If an employee's illness is physical then a reasonable time for postponement of a meeting or hearing will be given, but unless the illness is very severe, normally a postponement of no more than 5 working days will be permitted.**
- 12.5 In the absence of medical opinion that an employee is mentally unfit to attend a meeting or hearing (i.e. cannot understand what is going on or is unable to discuss the matters in hand with their representative) then they will be expected, after one postponement, to attend.
- 12.6 Everything will be done to accommodate any reasonable requests for breaks etc. in the course of meetings and hearings.
- 12.7 Employees who are off sick may also be given one or more of the following options, as appropriate:
- Sending written submissions
 - Attending at a neutral location (i.e. not on Council premises)

- 12.8 The manager should refer the employee to the Occupational Health Unit (OHU) in accordance with the [Sickness Absence Policy and Procedures](#). Advice will be sought from the OHU to support the employee's return to work. Examples of support include: a temporary change to duties, a phased return to work.

Flowchart Summary of Capability Procedure

Note: Template letters are available from HR Employment Relations and/or on the Intranet

Managers should monitor and review performance regularly through one-to-one meetings and as part of the [Performance Management Review](#) (PMR) process. If performance is regularly unsatisfactory, the manager should begin the informal stage of the Capability procedure.

INFORMAL STAGE

(Note: this could commence at a one-to-one meeting, but manager must make it clear that they have started informal stage of Capability Procedure) and record this accordingly

Informal Meeting (Note: there is no right to notice of meetings or to be accompanied during informal stage):

- Clearly state performance expectations and deficiencies, citing evidence as necessary
- Invite **employee's views**: explore any underlying difficulties or issues, mitigating circumstances etc.
- Offer support, training, reasonable adjustments if applicable
- Agree performance improvements to be demonstrated within 8 weeks maximum. Note: This should be no more than 4 weeks if there are critical performance problems or where welfare /safeguarding could be compromised.
- Remind employee that failure to demonstrate and sustain required improvements could lead to formal action under the procedure

Confirm meeting discussion and agreed improvements, timescales to employee in writing.

Monitor performance for period agreed, ensuring training/other support is forthcoming where this has been agreed.

Follow up meeting to review performance:

If performance is now satisfactory

Acknowledge this and remind employee this must be sustained for at least 6 months or process will resume at formal stage. Confirm this in writing within 5 working days.

If performance remains unsatisfactory (and there are no mitigating circumstances)

Confirm performance deficiencies verbally and in writing, and proceed to formal stage

Note: If performance is very poor/unacceptable, manager may proceed directly to Stage 2 of formal procedure but should consult with HR Employment relations before doing so.

FIRST FORMAL STAGE

- Invite employee, in writing, to first formal **stage meeting, giving at least 5 working days' notice. Include link to or copy of Capability Procedure.**
- If employee intends to be accompanied (current work colleague or TU rep only) they must inform manager of details at least 3 working days before meeting. Any written evidence from the employee must be submitted at least 3 working days before the meeting.
- An ER advisor may be invited, to assist the manager.

At the meeting:

- Re-state performance expectations, improvement targets set and support/training given and cites evidence of continuing performance issues
- Invite employee(and representative, if present) to respond and present any evidence and/or mitigating circumstances to be taken into consideration
- Set timescale for required improvements (normally no more than 8 weeks maximum and be no more than 4 weeks if there are critical performance problems or where welfare /safeguarding could be compromised) and warn employee that if they fail to meet and maintain the required improvements the process will move to the final Formal Stage - Capability Hearing, which could in turn lead to dismissal.

Confirm meeting discussion and agreed targets and timescales to employee in writing within 5 working days.

Monitor performance for agreed monitoring period

If satisfactory – acknowledge, but remind employee this must be sustained for at least 6 months or process will resume under the final formal stage – a capability hearing

If performance has not improved to required standard, proceed to Final Stage – Capability Hearing

In exceptional cases only where there are mitigating circumstances why the employee has not been able to demonstrate performance improvement, monitoring period may be extended by up to 4 weeks (manager should first consult with an Employment relations Advisor)

FINAL FORMAL STAGE (HEARING)

Employee's Head of Service/Operational Director convenes capability hearing (with notice period and deadlines for submissions from employee as at first formal stage.

At the meeting, the manager re-states performance expectations, improvement targets set and support/training given and evidence/examples of employees continuing unsatisfactory performance

The Head of Service/Operational Director

- Invites employee(and representative, if present) to respond and present any evidence and/or mitigating circumstances to be taken into consideration
- Makes decision either:
 - no further action
 - to dismiss
 - to issue a final warning
 - to redeploy to a suitable post within the service area (if such a post is available)

Decision will be confirmed in writing to employee within 5 working days of the hearing, including the employee's right to appeal and the timescales for this. Dismissal will be with notice.

APPEALS

See [Appeal Procedure](#).