

VOLUNTARY ACTION-LEEDS

CAPABILITY POLICY

Definitions and Reason for Policy

The term “Capability” relates to an employee’s ability and competence in performance of their work as opposed to “Conduct” which relates to the standard of their behaviour at work. For example: someone may want to do a piece of work, or may think they are doing it acceptably, but they may not have the skills or the experience required; this would be covered by Capability Procedures. On the other hand, someone may refuse to do a piece of work, or may choose to do it badly; this would be a Conduct issue, and would be covered by VA-L’s normal disciplinary procedures.

It is recognised that an employee’s work performance and efficiency can be affected by a wide range of factors both related to the workplace and to their life outside of work. Health may also play an important part in this. The point of having a Capability Policy is for VA-L to be able to address any unsatisfactory work performance as soon as possible, and to offer what support it can to employees to enable performance to be improved.

It should be noted that this Policy is intended to link with VA-L’s Disciplinary Procedure where necessary.

Examples of Potential Capability-Related Issues

- (a) Low output – where an employee is capable of producing work at the required standard, but works slowly and fails to meet targets/other output requirements.
- (b) Inability to do the work required – where an employee has been offered training and advice but is still unable to do their work at the level or to the standard which is required; reasons may include inappropriate recruitment, promotion beyond ability, or introduction of new working practices/systems which have resulted in declining performance and this has not been improved by training/other support.

- (c) Health problems which may not necessarily be serious enough to justify longer term absence but which affect performance, attendance or timekeeping.

It should be noted, however, that where an employee is a disabled person (as defined in Part I of the Disability Discrimination Act 1995), it will be necessary to make all appropriate “reasonable adjustments” before considering any action under capability procedures. Reasonable adjustments include adjustments in working patterns, physical adjustment to the work area and medically prescribed rest or therapy (among others).

- (d) An underlying health problem.
- (e) Personal problems including domestic responsibilities which may better be addressed by using VA-L’s Other Leave Policy

This list is meant to provide examples rather than a definitive list, and line managers should consider cases carefully and on an individual basis before deciding whether to use this Policy or others.

Procedure

VA-L recognises that matters relating to work performance can be sensitive and it will endeavour to treat staff with respect and courtesy in using this Policy.

It also recognises that all employees need clear standards and targets, and these should be implemented from the outset of employment and updated regularly as required. The Probationary Period is also intended to clarify standards and performance requirements, and this may be extended if there are concerns about an employee’s capability. All employees should have up-to-date job descriptions, and all job descriptions should be thoroughly reviewed during Probationary Reviews and Annual Appraisals, and when an employee leaves. If there has been a breakdown in this procedure, it is the responsibility of line managers to address the situation as soon as possible and to rectify it via honest discussion with the employee concerned.

Stage One

If an employee’s performance is causing concern, their line manager will arrange to meet with them to discuss the concern(s); this may be done

as part of the normal supervision process, or separately. The employee will be encouraged to explain the reason(s) for their poor performance, and line managers should consider these fully. The issue(s) will be discussed thoroughly, and by the end of the meeting both the employee and their line manager should understand the following:

- how the performance is unsatisfactory
- what the required performance is (with SMART objectives where possible)
- a date for when the performance will be reviewed
- a clear indication of what will happen if there is no improvement

The line manager will confirm these in writing to the employee and ask for their signature as agreement on what was discussed.

The timescale for improvement will vary depending on the nature of the problem and any mitigating circumstances.

Where the problem was caused by lack of skills, training or support will be provided and the employee will be given sufficient time to reach the required standard. Where training or some similar support is provided, this will also be noted in writing. (Refusal to accept such training or support will leave managers with no alternative but to implement Disciplinary Procedures from this stage).

Documentary evidence of meetings, agreed training plans, etc, will be kept in the employee's personnel file.

At the end of the review period, the line manager will again meet with the employee to review progress. It is envisaged that in most cases this will be the end of the matter, as performance will have improved as agreed.

Stage Two

If there are still concerns or performance has not improved as agreed, the line manager will arrange a follow-up meeting with the employee, where they will be told clearly that their performance has not improved adequately; they will be reminded of the first meeting and of the targets set. They will be able to discuss any explanation they may have, and may again be offered training or other support should the line manager feel that this will help. They should also be informed that they now have a maximum of eight weeks to reach the agreed standards but that should this not happen VA-L reserves the right to consider the matter

under its Disciplinary Procedure and that downgrading, or even dismissal may result.

Again, written evidence must be kept in the personnel file.

Stage Three

If there are still concerns or performance has not improved as agreed, the line manager will consider carefully whether the issue is health-related; if it is or may be, VA-L reserves the right to request a medical opinion – either from the employee's GP or from an independent doctor of our choice. If this option is to be pursued, the employee will be fully informed. Following receipt of a medical report, a further meeting will be arranged with the employee to discuss the content; subsequent action will of course depend upon the content of the report, and each case will be treated on its individual merits.

If the continued concern(s) are not related to a health issue, the employee will be informed that a further meeting will be held and that the matter is now to be considered under VA-L's Disciplinary Procedure. The employee will be reminded of their right to be accompanied at this meeting, and line managers are reminded that the Procedure must be followed meticulously at all times. It is assumed that the information gathered to date will replace the formal investigation stage of the Disciplinary Procedure, as the line manager and the employee will be aware of the concerns and will have made attempts to address them. Please refer to the Disciplinary Procedure for more detail on how Stage Three will work.

Related Documents

This Policy should be read alongside VA-L's Disciplinary Procedure, Statement of Written Employment Particulars, Health & Safety Policy, Equal Opportunities Policy, Training Policy, and Review & Appraisal Policy.

This Policy was formally adopted by the Trustee Board of Voluntary Action-Leeds on 23 September 2003. Updated by the Personnel Committee on 5 September 2005.