

Arrange a meeting to:

- Explain clearly the shortfall between current performance & required standards, always provide specific examples
- Ask for an explanation & listen carefully to the response
- Carefully explore & assess potential causes ensuring the employee contributes to identifying the potential causes
- If appropriate support can include training, coaching, advice/guidance, reinduction to role, 121 sessions, coaching/mentoring, short term work relief
- Agree solutions and actions to be taken
- Agree objectives
- If health or personal issues are disclosed, refer to Occupational Health or EAP
- If disability related, explore reasonable adjustments. Reasonable adjustments must be in place with time to adjust to these before instigating any formal stages
- Explain consequences if no improvement
- Ensure standards are understood
- Set review period & date for future meeting
- Write to employee confirming actions and timescales

Monitor Performance – 1-3 months

At the end of review period hold a meeting to establish if the required improvement has occurred

Not met → Consider moving to formal procedure stage 1

Met → Provide feedback & encourage to maintain improvement, continue to monitor progress in normal supervisory arrangements¹

Is the shortfall in standard due to any of the following?

- Within first 6 months of employment
- Use the probationary period policy

- Wilful/ignoring reasonable instructions
- misconduct
- Negligence
- Attitude
- Use the disciplinary policy

- Sickness
- Absence
- Disability
- Personal problems
- Consult HR
- Occupational Health
- EAP

Formal procedure stage 1

- Line Manager arranges a meeting within 14 days of the employee being told the formal capability procedure is being instigated
- The employee is invited in writing with a copy of the Capability procedure and information on the areas of poor performance
- In the meeting, reconfirm standards and the expected time for improvement, including examples of where not met
- Examine causes of poor performance
- If appropriate offer training, coaching, guidance, reinduction, training, retraining, short term workload relief
- Set review period and date – 1 to 3 months timescale with regular reviews during this period of review
- Set SMART objectives for the Performance Improvement Plan
- Confirm that performance will be monitored and explain consequences if no improvement
- Confirm the discussion in writing with a copy of the Performance Improvement Plan
- Employee has the right to be accompanied by a TU Rep or work colleague

At end of review period hold a Stage 1 review meeting to establish if the required improvement has occurred – measure performance against the Performance Improvement Plan. Three possible outcomes:

Met

Cease procedure.
Provide specific feedback and encourage to maintain improvement, continue to monitor progress. If poor performance resumes within 6 months, recommence procedure at stage it was halted

Not met

Some improvement
Proceed to stage 2 of the formal procedure The employee has a right of appeal

Not met

No improvement or worsening performance with no prospect of meeting the required performance in an acceptable timeframe -
Proceed to stage 3 of the procedure . The employee has a right of appeal.

Formal procedure Stage 2

- The employee must be advised in writing, within 5 days of the Stage 1 meeting that it is proceeding to stage 2 and the consequences of not reaching the required standard
- Regular meetings will be scheduled during the review period
- Review period will be for a period of between 1 and 3 months
- The meeting will take the same format as the Stage 1 meeting and the Performance Improvement Plan updated

At end of review period hold a Stage 2 review meeting to establish if the required improvement has occurred – measure performance against the Performance improvement Plan. Two possible outcomes:

Met

Cease procedure.

- Provide specific feedback and encourage to maintain improvement, continue to monitor progress. If poor performance resumes within 6 months, recommence procedure at stage it was halted

Not Met

Proceed to Stage 3 – Formal Capability Hearing

- Confirm in writing within 5 days of the decision with a note of the meeting and updated Performance Improvement Plan.
- The employee has a right of appeal against this decision

Formal Procedure Stage 3 Capability Hearing

- Assistant Director or Executive Director will chair the Stage 3 Capability hearing:
- Employee has the right to representation by a TU rep or work colleague
- Line Manager who took the employee through stage 1 and stage 2 will attend to present the management case
- All paperwork to be referred to must be sent to HR 14 calendar days in advance of the meeting and packs will then be distributed to all parties
- Management will present their case and the employee will then be invited to present their case
- All parties may ask questions
- The Chair will confirm their decision in writing
- The employee has a right of appeal

Executive Director/Assistant Director will consider;

- Seriousness of mistakes/underperformance
- Impact of mistakes/failings on the organisation on the organisation and team
- Risk to the organisation
- Length of service and employment history
- Employee's response
- Support given to the employee
- Any underlying causes
- Special mitigating factors e.g. disability and reasonable adjustments made

Outcome

Met

Not met

- Chair will determine sufficient improvement and it procedure ceases. If performance standards become unacceptable again within 6 months, the procedure may recommence at stage 3 Capability Hearing
- Extension – which will mirror stage 2 of the process
- Redeployment to another job at the same grade
- Redeployment to a lower grade
- Dismissal with notice due to incapability