

## Newbattle Abbey College

### Capability Policy and Procedures

#### Policy:

1. It is the policy of Newbattle Abbey College to ensure consistent and equitable treatment of employees who are considered to be experiencing difficulties in performing their work duties to the required standard.
2. It is recognised that an employee's work performance and efficiency can be affected by a wide range of factors related to the workplace, health and/or their life outside work.
3. This policy and the associated procedures are designed to deal with those cases where an employee is genuinely lacking in some area of knowledge, skill or ability, resulting in a failure to be able to carry out the required duties to an acceptable standard.
4. If performance problems are judged to result from conduct over which the employee has control, the College's Disciplinary Policy and Procedures will apply. The fundamental distinction between capability and conduct may be expressed as 'can't' as against 'won't' respectively.
5. Whilst recognising the need for a formal procedure, it is accepted as a general principle that performance problems are best resolved informally and as early and as close to the point of origin as possible. In accordance with this principle, it is agreed that the formal procedure should not normally be used until attempts at informal performance resolution, as described in paragraphs 10 - 16 below, have been tried without success.

#### Scope of the Procedures

6. These procedures apply to all employees of Newbattle Abbey College.
7. These procedures do not apply to:
  - unsatisfactory performance resulting wholly or mainly from carelessness, negligence, lack of application or wilful disregard for performance standards, which will be dealt with under the College's Disciplinary Policy and Procedures;

- unsatisfactory performance identified as resulting from alcohol and/or substance misuse, which will be dealt with under the College's Alcohol and Drugs Policy; or
  - unsatisfactory performance due to frequent, persistent and short-term absence, which will be dealt with under the College's Absence from Work Policies - Ill Health Policy.
8. The examples outlined above are not exhaustive and serve only as a guide to the circumstances where the Capability Policy and Procedures are not applicable.
9. With regards to long-term absence because of ill-health, this policy should be viewed jointly with the College's Absence from Work - Ill Health Policy.

### **Informal Discussions**

10. Line Managers are responsible for the day-to-day management of staff and should seek to deal with performance problems through informal discussion in the first instance.
11. This should normally take the form of one-to-one discussion between a staff member and their line manager, or with another appropriate member of staff.
12. At the meeting, the manager will:
- set out the standards of work performance expected of the employee;
  - explain how the employee's performance has fallen short of what is required and the impact of this on service delivery;
  - provide the employee with an opportunity to explain and/or give reasons for the performance shortfall;
  - discuss the way forward and ensure that suitable targets and a plan of action are drawn up to include consideration of support measures - for example, additional supervision and training, medical or specialist advice or flexible working;
  - discuss if any reasonable adjustments can be made and;
  - set a review date which allows for regular updating to the employee on progress being made and give a reasonable time for the employee to improve and meet the standards of performance required.
13. No formal record of such interviews will be kept on the staff member's personal file. The line manager should, however, make a record showing

the date of and the reason(s) for the interview and inform the staff member accordingly.

14. The manager will closely monitor the employee's progress during the review period and performance will be assessed as often as considered appropriate. The manager will advise the employee of his/her progress.
15. If the performance is assessed as satisfactory at the end of the review period, the manager will inform the employee accordingly.
16. Where performance has not reached the required level at the end of the review period (or earlier if there is a marked deterioration), or where the failure to meet the required standards is considered to be of a more serious nature, the formal procedure should be followed. The manager may raise formal capability proceedings against a staff member after consultation with the Senior Management Team.

### **Formal Capability Procedure**

17. At all stages in the formal capability procedure, the staff member shall be entitled to be accompanied by a trade union representative or other staff member, and should be so advised of this at each stage. Special allowance should be made for individuals whose first language is not English, or who have a disability.
18. At every stage of the procedure, the staff member will be advised of the status of the proceedings and the performance problems and will be given the opportunity to respond to the current situation regarding performance.
19. The confidentiality of formal proceedings will be protected at all times.
20. Once initiated, formal procedures should be followed through expeditiously. Exceptionally, timescales can be varied with mutual consent.
21. The formal capability hearings follow a process which parallels the College's Disciplinary Policy and Procedures. However, the manager, employee and representative must be aware that the issues are being dealt with as a capability and not a disciplinary matter.

Newbattle Abbey College is committed to the active pursuit of challenging discrimination, advancing equality and celebrating diversity

Policy:	Org/Employment/Capability P&P
Date of Policy 2011	Reviewed February 2017
Next Review date:	February 2020
Approved By:	SMT, PARC and Board of Directors
No of pages:	3

