



Triple C
(Liverpool)

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CAPABILITY POLICY

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CAPABILITY POLICY

Introduction and Purpose

Triple C (Liverpool), hereafter referred to as Triple C, aims to provide the highest possible standards of service and support to its users within the resources available. The contribution and performance of each employee is crucial in achieving this aim. Triple C will, therefore, encourage the attainment of the highest possible standards of performance by all its employees and will give appropriate attention to address areas of unsatisfactory performance.

The aim of this policy and the procedure outlined below is to resolve areas relating to the recurring lack of capability of an employee to perform the role at the level for which they were employed. The procedure aims to provide a fair, reasonable and consistent method of addressing issues arising in relation to an inability to perform at the required standard due to a lack of competency, skill, knowledge, understanding and effort.

It is acknowledged that capability issues arising in relation to personal competence may result from shortfalls in skill or knowledge which could be addressed through further training and development. However, the capability issues may relate to a fundamental inability to perform the scope and range of duties within a post.

Triple C is committed to ensuring that appropriate training and development is made available to ensure employees can competently perform their role. This may include the provision of training courses, supervised practice, mentoring, coaching and personal development plans.

Principles of the Procedure

- The primary objective of this procedure is to help an employee attain the standard of achievement required.
- Trustees and supervisors should promote an open and supportive culture in which they are accessible and understand employee roles.
- It is the responsibility of Trustees to ensure that employees are recruited with the necessary level of competence and skill to perform the role.
- Identification of training and development needs is a continuous process within the supervision process.
- Performance appraisals should be undertaken within Supervision to identify development needs to enable the employee to perform their role to the best of their ability. This is a two-way process to allow for both the Supervisor and the employee to identify objectives, standards and training and development needs. Clear timescales for reviewing performance should be agreed between the Supervisor and the employee. It is the duty of the Supervisor to ensure that all employees within their care, understand their role, objectives and the standards required of them.
- The Supervisor should speak to the employee regarding performance issues at an early opportunity in order to seek to identify any underlying reason for poor performance.
- This procedure is not intended to replace employee guidance and supervision on a day-to-day basis, but to be applied to recurring instances of poor performance.

Identifying Poor Performance

It is the responsibility of Supervisor to identify instances of poor performance as part of their day-to-day duties. Problems should be raised by the Supervisor as close to the time of occurrence as is reasonably practicable, to allow the employee to respond and improve performance. Unsatisfactory work performance may become apparent in a number of ways which may include:

- Through formal objective setting and the appraisal process;
- Through informal discussions with the employee;
- Poor recurring standards of work, e.g. recurring mistakes,
- Not completing tasks, unable to cope with reasonable instructions given;

- Attitude to work, e.g. poor interpersonal skills;
- Complaints through other employees or users of the project;
- Team concerns;
- High absence.

Procedure

When the performance of an employee becomes unacceptable due to a lack of capability, the primary objective is to help them to improve their performance and achieve the standard of performance required. The following procedure should be used.

Informal Stage

It is expected that the supervisor will raise concerns regarding capability at the earliest opportunity and raise these with the employee in a one-to-one meeting, explaining the area in which they are failing to achieve the required standard/expectations. Through discussion, they will agree actions and objectives to help to rectify the concerns raised. These objectives should be realistic, achievable and measurable.

A reasonable period should be given to achieve these objectives. It is not intended that this period will be more than 3 months but this will depend on the individual issue and need assessed in each case. If, after this reasonable period, with appropriate support (where necessary) the employee does not improve, poor performance continues, and there is a failure to achieve the expectation and agreed objectives, the matter should proceed through the formal procedure.

The Supervisor should make a record of the informal meeting, summarising the agreed main points and objectives, a copy of which should be sent to the employee within ten days of the meeting. A copy should also be kept on the employee's personnel file.

Formal Procedure - First Review Meeting

Where the informal procedure has failed to rectify the poor performance issues, the supervisor will arrange to meet the employee to discuss their concerns.

A letter should be sent to the employee asking them to attend a first review meeting in accordance with the Capability Policy. The letter should be sent to the employee at least 7 calendar days before the meeting with a copy placed on the employee's personnel file. The employee should be informed that they have a right to be accompanied by a colleague, friend or Trade Union representative.

At the meeting the supervisor should state clearly the areas of performance considered unacceptable and the standards expected. The meeting should include:

- The opportunity for both the supervisor and employee to identify any underlying reason for poor performance. This may arise from either work or personal concerns and it is important that the Supervisor offers appropriate help.
- The identification of how these factors may be overcome, e.g. additional training and development, a change in working arrangements, role clarification, closer supervision.
- The setting of agreed, realistic and achievable targets for improvement and timescales in which these are to be monitored and achieved. It is not envisaged that the timescale will be in excess of 3 months which will give the employee ample time to demonstrate improvements.
- The supervisor should make a record of the meeting, summarising the agreed main points, a copy of which should be sent to the employee within ten days of the meeting and a further copy placed on the employee's personnel file.
- A further review meeting should be set at this stage to follow up progress. If the required improvement is achieved, it should be communicated to the employee and no further action is necessary.

Second Review Meeting

If targets for improvement are not met or there is a failure to make reasonable progress towards them following the first review meeting, the supervisor should communicate this to the employee.

A letter should be sent to the employee asking them to attend a meeting in accordance with the Capability Policy. Again, the employee should be given at least 7 calendar days' notice, be informed of their right to be accompanied and a copy placed on their personnel file.

At the meeting the issues raised in the first stage should be reviewed, any factors continuing to hinder acceptable performance identified and action determined to overcome them. Further timescales for the achievement of these targets should be set, but again, they should not exceed 3 month period, thus allowing the individual to demonstrate improvements.

The supervisor should make the employee aware that a continued failure to meet the required standards as outlined at the first review meeting could lead to formal action being taken which may result in the termination of their contract of employment.

The details and agreed actions of the meeting should be summarised in a letter and sent to the employee within ten days of the meeting, with a copy placed on the individual's personnel file.

A further meeting should be arranged to follow up progress, again advising the employee of their right to be accompanied.

Final Review

The final review should be conducted by the supervisor with the Chair of Triple C (or Vice Chair).

If the employee has not met the required standards but has made significant progress, the setting of a further review period may be appropriate.

If no improvement has been made or the progress has not been significant, the final review meeting should be arranged.

The employee should be informed by letter giving at least 7 calendar days' notice and informing them of the right to be accompanied. The letter should state that the outcome of the meeting could include the termination of the employee's contract of employment on the grounds of capability. A copy of the letter should be placed on their personnel file.

At the meeting the action taken to date will be reviewed and any outstanding concerns explained. The supervisor and the employee will both be given the opportunity to speak and give any mitigating circumstances.

The Chair of Triple C (or Vice Chair) will make a decision as to whether to continue with a further review period or to terminate the employee's contract of employment on the grounds of capability. A summary of the discussion and agreed action to be taken will be confirmed in writing to the employee within 7 calendar days of the meeting. A copy of the letter should be placed on their personnel file.

Where the decision is made to terminate the contract of employment on the grounds of capability the employee will be given appropriate notice or pay in lieu of notice together with any outstanding holiday entitlement. Triple C may recover the cost of holiday pay made in excess of that earned at date of contract termination (or deduct it from final salary payment). The employee will be expected to return (within one week) any Triple C property in their possession, as well as keys to their office and building and any other such items belonging to the charity.

Right of Appeal

The employee should be informed of their right to appeal and should use the process outlined in the Appeals policy.