

Capability Policy and Procedure

Policy

It is CREST's policy to help and encourage employees to achieve and maintain satisfactory standards of performance and attendance. On any occasion when an employee fails to meet those standards and initial informal counselling has not helped the employee to attain the required standards, the following procedure will be adopted to ensure consistent and fair treatment for all

Procedure

Investigation

- Any concerns regarding capability must be thoroughly investigated. No notice is required of any investigation. A capability investigation will usually involve meeting with the employee concerned to initially discuss their capability

Referral to Capability Interview

- In instances where work performance or attendance due to persistent or long term absence are perceived to be at a standard that is unacceptable, a capability interview will be arranged by the manager

The following procedure must be followed:

- The employee must be informed in writing that they are required to attend a capability interview and they must be given at least 24 hours notice of the meeting
- The letter will include the arrangements for the meeting, the reason(s) for the meeting, that the employee has the right to be accompanied at the meeting
- A note taker may be present to make a written record of the meeting
- A capability meeting is a confidential meeting
- During the meeting the employee's manager will outline the key concerns regarding the employee's performance or absence/attendance. The employee will have the opportunity to discuss the reasons for their perceived unsatisfactory performance or absence
- [The employee may choose for their representative to state their case]
- In deciding the outcome of a capability meeting, consideration will be given to the information discussed by the employee, the background, that is, the reasons for the meeting, the employee's length of service, training and development needs and or medical prognosis, as well as further expectations and the needs of the service
- If capability action is required, a warning will be issued at the stage that best reflects the severity of the incapability, but will usually start at the first stage
- If capability action is taken, a warning will be held on file for 12 months and subject to satisfactory improvement, will then be disregarded. However, in the case of an employee on maternity leave, or long term absence, CREST reserves the right to extend the period on file to reflect the absence from work duties

Stages of Capability Action

Stage 1 – Formal Warning

- If an employee's performance or attendance has not met acceptable standards, the employee will normally be given a verbal warning. The employee will be advised of the reason for the warning, that it is the first stage of the Capability Procedure, that future capability action will be considered if there is not satisfactory improvement and of their right to appeal against the decision. A letter confirming the warning will be sent to the employee and a copy will be kept on the personnel file, but will be disregarded after 12 months subject to continuous satisfactory performance or attendance. An action plan, or set of objectives will be agreed

with the employee and a review period of not less than 4 weeks will be established at which their capability will be further considered

Stage II – First Written Warning

- If performance or absence continues to be unacceptable either during or after the initial review period but within 12 months of the initial warning, a first written warning will be issued. This will be confirmed in writing, giving the details of the complaint, the improvement required and the timescale, that further capability action will be considered if there is no satisfactory improvement and of their right to appeal against the decision. A letter confirming the warning will be sent to the employee and a copy will be kept on their personnel file, but will be disregarded after 12 months, subject to continuous satisfactory performance or attendance. An action plan set of objectives and a review period will be agreed

Stage III – Final Written Warning

- If performance or absence continues to be unacceptable either during or after the review period but within 12 months of the previous warning, a final written warning will be issued. This will be confirmed in writing, giving the details of the complaint, the improvement required and the timescale, that dismissal may result if there is no satisfactory improvement and of their right to appeal against the decision. A copy of the warning will be kept on their personnel file, but will be disregarded after a period of 12 months, subject to continuous satisfactory performance or attendance. An action plan set of objectives and a review period will be agreed

Stage IV – Dismissal with Notice

- If performance or attendance are still unsatisfactory or in the case of chronic ill-health or injury, the employee may be dismissed with notice. The date of dismissal will be the date the employee is given the decision and this will be the termination date; however, notice pay and any relevant accrued holiday pay will be paid in the instance. Only the Management Committee can take the decision to dismiss on the grounds of capability. This will be confirmed in writing, giving details of the reasons for dismissal and the right to appeal against the decision

Right of Appeal

- An employee, who wishes to appeal against a capability decision, at stages II, III and IV only, should write to the Chair of the Management Committee within seven calendar days of receipt of the letter confirming the warning or dismissal. This letter should clearly outline the reasons for the appeal. An appeal panel will hear the appeal where practicable, within seven working days of notification of the appeal. On consideration of the grounds for the appeal a decision will then be made and the employee will be notified in writing outlining the decision and the reasons for the decision. An appeal decision will be final. At the appeal any capability penalty imposed will be reviewed, that is, over turned, reduced or upheld but will not be increased.