PORINGLAND PARISH COUNCIL

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Capability Policy

Policy Reference	PPC 21
Version Number	3
Associated Documents	• Staff Handbook • Code of Conduct – Staff • PPC15 Dignity at Work Policy inc Bullying and Harrassment • PPC20 Disciplinary Policy • PPC2 Grievance Policy • PPC23 Performance Management and Appraisal Policy
Last Review Date	July 2025
Frequency of Review	Two Years
Approved by	Full Council
Date for Next Review	July 2027

This is a non-contractual policy that does not require approval from employees before changes are made. Staff will remain bound by amended non-contractual policies.

CAPABILITY POLICY

Introduction

This policy should be used when an employee's performance has been identified as falling below an acceptable level. Its purpose is to provide a framework for resolving the issue, ideally through the improvement of the employee's performance. As a last resort, the policy specifies the circumstances in which the employee may be redeployed to more suitable work or dismissed on the grounds of capability.

Before this procedure is engaged, the employee should receive feedback from his/her manager or the Parish Clerk setting out the concerns about the employee's performance and how his/her performance can be improved. This procedure is designed to be used when such informal discussions do not lead to the employee improving his/her performance to an acceptable level.

Where an employee's poor performance is believed to be the result of deliberate negligence, or where serious errors have been made by him/her to the detriment of the organisation, the Council may decide to use its disciplinary procedure instead.

A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an additional person arranged by the Council to take notes.

Stage 1

The employee's manager or the Parish Clerk will inform him/her of the nature of the problem and confirm this in writing. The employee will be invited to an informal meeting to discuss concerns regarding his/her performance.

Following discussion of the problem, the following outcomes may be agreed:

- take no further action;
- refer the matter for investigation under the disciplinary procedure; or
- issue guidance to the employee on what he/she needs to do to improve his/her performance.

Stage 2

Where stage 1 does not lead to a satisfactory improvement in the employee's performance, the employee will be invited to a performance review meeting.

The purpose of a performance review meeting is to discuss the employee's performance and decide what measures should be taken, with a view to securing the required improvement in the employee's performance. The meeting will be conducted by the employee's manager or the Parish Clerk. Where it is considered appropriate by the Council, an external HR Officer may also be present.

The employee will be given an opportunity to respond to any criticisms of his/her performance and to put forward any explanation he/she may have for the matters identified amounting to poor performance.

The outcome of the meeting may be:

- a decision to take no further action;
- a decision to refer the matter for investigation under the disciplinary procedure; or
- the implementation of a performance improvement programme, designed to bring the employee's performance up to an acceptable level.

Performance improvement programme
A performance improvement programme is a series of measures designed to help improve the employee's performance. Each measure will ideally be agreed with the employee, although the Council reserves the right to insist on any aspect of the performance improvement programme in the absence of such agreement.
Each programme will be tailored to the particular situation, but will contain the following elements:

Timescale
The overall timescale in which the necessary improvement must be achieved will be set out, together with the timescale for reaching individual milestones where appropriate.

Targets
The performance improvement programme will specify the particular areas in which improved performance is needed and set out how, and on what criteria, the employee's performance will be assessed. Where appropriate, specific targets will be set that will need to be achieved either by the end of the programme or at identifiable stages within it.

Measures
The performance improvement programme will specify what measures will be taken by the Council to support the employee in improving his/her performance. Such measures may include: training; additional supervision; the reallocation of other duties; or the provision of additional support from colleagues.

Feedback
As part of the performance improvement programme, the employee will be given regular feedback from his/her line manager indicating the extent to which the employee is on track to deliver the improvements set out in the programme.

If, at any stage, the Council feels that the performance improvement programme is not progressing in a satisfactory way, a further meeting may be held with the employee to discuss the issue. As a result of such a meeting, the employer may amend or extend any part of the programme.

Review
At the end of the performance improvement programme, the employee's performance will be reviewed. If satisfactory progress has been made, the employee will be notified of this fact in writing. However, if the manager feels that progress has been insufficient, he/she may decide to extend and/or amend the performance improvement programme to such extent as the manager considers appropriate. Alternatively, he/she may decide to refer the matter to a meeting under stage 3 of this procedure.

Ongoing review
Following the successful completion of a performance improvement programme, the employee's performance will continue to be monitored. If, at any stage during the following 12 months, the employee's performance again starts to fall short of an acceptable standard, his/her line manager may decide to initiate stage 3 of this procedure.

Stage 3
If the performance improvement programme has not led to sufficient improvement in the employee's performance, the employee will be invited to attend a formal performance management hearing. The invitation will set out the respects in which the employee's manager believes that the employee's performance still falls short of an acceptable standard.

The hearing will be conducted by the Chair of the HR Advisory Group and the Parish Clerk. An external HR Officer may also be present. The employee will be entitled to be accompanied by a fellow employee or a trade union official.

At the hearing, the employee will be given an opportunity to respond to any criticism of his/her performance and to make representations about any aspect of the way in which the process has been managed.

The outcome of the meeting may be a decision to:

- take no further action;
- refer the matter for investigation under the disciplinary procedure;
- institute another performance improvement programme; or
- issue a formal warning to the employee.

A formal warning will be issued if the hearing concludes that reasonable steps have been taken by the Council that should have allowed the employee to perform to an acceptable standard, but that these measures have not worked. The warning will explain the nature of the improvement that is required in the employee's performance and state that the improvement must be immediate and sustained. It will also explain that, if the necessary improvement does not take place, the employee may be dismissed.

The warning will remain current for a period of 12 months, after which it will cease to have effect.

Where an employee is issued with a formal warning in accordance with this procedure, he/she will have a right of appeal.

Stage 4
If an employee has been issued with a warning under stage 3 that remains live and the employee's manager believes that his/her performance is still not acceptable, the matter may be referred to a performance dismissal hearing.

The employee will be informed in writing of the grounds on which the hearing is being convened. In particular, he/she will be told of the respects in which his/her performance remains below an acceptable level.

The hearing will be conducted by the Chair of the HR Advisory Group and the Parish Clerk. An external HR Officer may also be present. The employee will be entitled to be accompanied by a fellow employee or trade union official.

At the meeting, the employee will have the opportunity to respond to any criticisms made of his/her performance and make representations about how the situation should be treated.

The outcome of the meeting may be:

- a decision to take no further action;
- the issuing of another performance management warning;
- an offer to redeploy the employee to alternative work; or
- a decision to dismiss the employee.

Any offer to redeploy the employee will be entirely at the Council's discretion. Such an offer will be made only where the Council is confident that the employee will be able to perform well in the redeployed role. It will normally be offered only as an alternative to dismissal in circumstances in which the Council is satisfied that the employee should no longer be allowed to continue to work in his/her current role. While the employee is free to refuse any offer of redeployment, the only alternative available will usually be dismissal.

If the Council believes that there is no alternative role available and suitable for the employee, but that he/she has not met an acceptable standard of performance, the Council may decide to dismiss. Any dismissal will be with full notice or payment in lieu of notice. The decision to dismiss together with the reasons for dismissal will be set out in writing and sent to the employee.

Where an employee is dismissed in accordance with this procedure, he/she will have a right of appeal.

Appeal

An employee has a right of appeal against a sanction issued under stages 3 or 4 of this procedure. A request for an appeal should be sent in writing to the Chair of the Council and set out the grounds on which the employee believes that the decision was flawed or unfair. The request should be sent within seven days of the employee receiving written confirmation of the sanction imposed on him/her by the Council.

An appeal hearing will be convened to consider the matter. It will be usually be chaired by the Chair and Vice Chair of the Council. The employee will be entitled to be accompanied by a fellow employee or a trade union official.

At the hearing, the decision to impose the sanction will be reviewed and the employee will be entitled to make representations about the appropriateness of that decision.

The result of the hearing will be either to confirm the sanction, or substitute any outcome that was available to the panel conducting the hearing at which the sanction was imposed on the employee.

The outcome of the appeal will be confirmed to the employee in writing, explaining the grounds on which the decision was reached. The outcome of the appeal will be final.

The Council reserves the right to engage an independent equivalent to conduct any of the stages above, where management are not able to do so for any reason.

Confidentiality
Proceedings in investigations, capability interviews/hearings and appeal hearings shall remain strictly confidential.