



RADLEY

Capability Procedure

February 2024

CAPABILITY PROCEDURE

Each individual's performance is a key factor to the success of the College and occasionally that performance falls below a level which is acceptable. Where this happens, and where the College considers that this is a capability and not a disciplinary matter, the capability procedure may be used to try to resolve performance issues.

Although elements of this procedure are similar to those in the Disciplinary procedure the College wishes to distinguish between conduct and performance issues:

- Capability is about an employee's ability to do their job. Usually, it's a capability issue if the employee has no control over it, eg ill health, disability, lack of training, etc.
- Conduct is about an employee's behaviour at work – something the employee has control over.

Performance issues

Where this procedure is used in regard to performance issues, the aim is to encourage staff to perform to the standard required by the College and not to impose disciplinary sanctions. This is to give the employee the chance to improve and stop any further problems arising. However, you must be aware that a continuing failure to achieve the required work standards may have serious consequences up to and including dismissal.

Examples of issues to be addressed using this procedure (and this is not an exhaustive list) include:

- Generally or specifically failing to meet the technical or practical (including personal and attitudinal) requirements of your job;
- Failing to reach targets set by the College;
- Complaints by colleagues or other employees or parents that your performance has been unacceptable.

A performance issue may be raised at any time. The manner in which the issue is addressed (formally or informally) will usually depend upon how serious it is, though factors such as frequency of occurrence will also be considered.

Generally, where the issue is minor in nature, it will be dealt with by way of informal discussions which will not be documented. It might also be dealt with by way of training if that is appropriate and if you identify training needs of your own you should raise them with your Line Manager.

Where a performance issue is more serious, or where the College believes it is otherwise appropriate, formal action will be taken in line with the following procedure:

- Step 1 a first verbal confirmation of unacceptable performance and the improvement measurements required;
- Step 2 a first written confirmation of either a new instance of unacceptable performance or a failure to improve as previously notified;
- Step 3 following a new instance of unacceptable performance or a failure to improve as required by earlier steps, a final written warning that unless there is improvement or if there is further unacceptable performance dismissal will follow;
- Step 4 dismissal, if the required performance standards have not been achieved. Alternatives to dismissal may be taken into consideration such as demotion or a transfer of your duties.

Where there is a single serious instance of unacceptable performance the College may elect to start the process at Step 3 or 4, as appropriate.

Capability issues – ill health/disability

If an employee becomes unable to do their job due to an illness, injury or disability and adjustments or support either cannot help or options have been exhausted, the College will carry out an investigation to establish the current medical position from the school's occupational health adviser in the first instance. Previous medical reports will also be taken into consideration. Should the medical evidence indicate that there is little or no prospect of a satisfactory return to work within the reasonably near future, formal action may be taken in line with this policy.

Procedure

Step 1 – Statement of Grounds of Action and invitation to meeting

If action is taken under this procedure you will receive a letter setting out the issues and inviting you to attend a capability meeting to discuss the matter. The meeting will generally be chaired by your Line Manager and/or a member of the HR team, and you will receive reasonable notice of the meeting. If it is not appropriate for your Line Manager to chair the meeting we will notify you of an alternative.

The letter will also notify you of the possible consequences as a result of the meeting. If at the meeting the College intends to refer to and rely upon evidence relevant to the matter, you will be provided with copies of such evidence in advance of the meeting.

Step 2 – Capability meeting

You must take all reasonable steps to attend the meeting. At the meeting you will be given the opportunity to explain your case and refer to any evidence and/or any mitigating factors upon which you intend to rely.

Step 3 – Appeal

If you wish to appeal against any action taken under this procedure, you must do so in writing to the College's HR Director within five working days of receiving written notice of the decision. In doing so, you must also set out in writing the reasons for your appeal.

After receiving your written appeal, you will be invited to attend an appeal meeting. You will be given at least three working days' notice of this meeting where possible and must take all reasonable steps to attend.

All evidence which was before the capability meeting will be before the appeal, as well as notes of the capability meeting, which will be provided to you in advance of the appeal meeting. Where appropriate, it may be necessary to adjourn the appeal meeting in order to undertake further investigation or consideration, in which case the meeting will be reconvened within a reasonable period of time.

Following the appeal meeting you will be informed in writing of the decision. This decision will be final.

Right to be accompanied

You may if you wish be accompanied by a colleague or trade union representative at any meeting during this procedure.