# Felixstowe Youth Development Group



## Policy Number 16

**CAPABILITY POLICY AND TOOLKIT**

**(Issue 7 - Revised June 2020)**

**Approved by Trustees\_\_\_July 2020\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

### Registered Charity Number: 1102380

**Registered Address: 2nd Floor, 54 Cobbold Road, Felixstowe IP11 7EL**

# FELIXSTOWE YOUTH DEVELOPMENT GROUP

# CAPABILITY POLICY AND TOOLKIT

This policy encourages all employees to achieve the required standards of performance in their jobs to enable them to contribute to the delivery of Level Two Youth Project.

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**1. Policy Statement**

The Capability Policy is designed to encourage all employees to achieve and maintain the required standards of performance expected in their job to enable them to contribute to the effective delivery of Level Two services.

Felixstowe Youth Development Group (FYDG) has set out the expected standards of work required by employees.

FYDG values all employees and will encourage them through guidance, coaching, learning and development, to meet the requirements of their job.

**2. Scope**

This policy applies to all employees and volunteers.

**3. Purpose**

This policy alongside the Capability Toolkit has been set out to ensure that employees who are managed under the capability policy are treated fairly and consistently.

Employees are required to undertake their duties to the standards of performance required.

Where the performance of an employee is affected by a disability, as defined in the Equality Act 2010, reasonable adjustments will be considered in any aspect of work arrangements to support the employee in their performance at work.

**4. Review**

This policy will be reviewed regularly and no later than three years from its approval.

Where a review is necessary due to legislative change, this will happen immediately.

**Capability Policy Toolkit**

This toolkit will guide both managers and employees through the capability process.

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**1. Introduction**

Felixstowe Youth Development have designed a Capability Policy to encourage all employees to achieve and maintain the required standards in their roles to support the delivery of effective and quality services. It ensures fairness and consistency in the treatment of individuals.

**2. Managing Capability Procedure**

The purpose of the policy and toolkit is to improve and sustain satisfactory levels of performance.

Where it has been identified that there are some concerns with an employee’s performance the line manager will discuss with the employee the reasons for their concerns in an informal timely manner. Managers will provide support and guidance to enable the employee to address performance issues.

Where there is no improvement in the employee’s performance further action will be taken as detailed in this Toolkit.

Employees should be made aware of the required standards of performance that they are expected to meet and what might happen if these standards are not met.

The Capability Policy is to be used where an employee cannot achieve an acceptable level of performance due to lack of ability or skill, rather than any wilful refusal to carry out the duties of the job.

The Absence Management Policy sets out details of how to deal with capability issues arising from absence.

Where an employee is invited to attend a formal meeting, they will have the right to be accompanied by a trade union representative or a work colleague.

Any issues regarding an employee’s performance during their probationary period should be dealt with

under the Probationary Procedure.

**3. Roles and Responsibilities**

**Employees**

Employees are responsible for the following:

• Achieving and maintaining the required standards of work performance

• Reporting any difficulties concerning any work-related performance issues to their Line Manager as soon as possible

• Identifying any learning or development needs required to meet the job role

• Participating in the 1:1 and appraisal Cycle

• Participating in any training to agreed deadlines and timescales.

**Line Managers**

Line Managers are responsible for the following:

• Ensuring employees have an induction programme to their work area on commencement of employment

• Ensuring employees have clear, up to date job descriptions and realistic performance objectives

• Setting and monitoring standards of work and performance to assist the employee to achieve & maintain the required standards of performance

• Ensuring appraisals and personal development planning is undertaken and documented accordingly

• Discussing any performance concerns with the employee in a reasonable and timely manner. Making the

employee aware of the required standards, what might happen if they do not reach the required level of

performance and putting in place Specific Measurable Achievable Realistic and Timely (SMART) objectives to support the employee to get to the required standards of performance

• Ensuring any training and development needs are discussed with employees and appropriate time is given to enable them to meet the requirements of the role

• Ensuring both the informal and formal stages of the Capability Toolkit is followed correctly and in a consistent and timely manner

**4. Examples of Under-Performance**

Examples of under-performance because of lack of capability to undertake the duties of their post may include:

• Poor standards of work e.g. frequent mistakes, not completing work, inability to follow instructions

• Work completed to a lower than expected standard for the level of the role e.g. report writing and budget

management

• Inability to cope with a reasonable volume of work to a satisfactory standard

• Lack of skill in relation to tasks/method of work required

• Inability to manage time effectively

• In more senior roles, inability to work independently and lead/manage others effectively

**5. Key Principles of Managing Poor Performance**

The key principles of managing poor performance are:

(A) Set clear performance standards

• Ensure employees are made aware from the outset of the standards that are expected from them in their work

(B) Gather Information

• Establish whether there is an underlying cause for the poor performance. For example, an employee may not know what is required of them, need additional training, be unwell, experiencing personal problems or problems in the workplace. On the other hand, it may be a genuine lack of ability to do the job competently

• You should include reviewing the employee's job description, appraisal and training records and any other

relevant documents, monitoring their work and discussing your concerns with them

• The employee should be spoken to informally, at least initially. This should be done sensitively and

confidentially, where no other employees can see or overhear

• You may bring to light line management’s own failings, in which case appropriate steps should be taken to

address these failings. If the employee has not been provided with the appropriate support or guidance, ensure that measures are put in place for this to happen. Identify any training needs

• Be aware of discrimination. Consider whether the employee may have a disability and

their disability may prevent them from performing to the required standard. In such cases, be mindful of your duty to make reasonable adjustments under the Equality Act 2010

• Ensure that the appraisal process for your employee is completed thoroughly and documented. It is far easier to establish a pattern of poor performance where employees are properly monitored and reviewed

• Consider whether the problem really amounts to poor performance (“can’t do”) or whether it may appropriately be dealt with as, misconduct (“won’t do”)

(C) Provide a reasonable opportunity to improve

• To act reasonably, the employee should be given a reasonable opportunity to improve their performance

commencing after the discussion in relation to concerns of the employee’s performance has been raised

• What is a reasonable timeframe to demonstrate improvement will depend on the particular circumstances,

including the nature and degree of the failing

• In any event, ensure that both you and the employee are clear on the required standards that the employee must meet and the timeframe within which the improvement must be improved. Be careful not to set unrealistic targets

• Check with the employee that any support has been identified. Where reasonable support has been identified, ensure these are implemented

• The support identified must be agreed between the employee and their line manager

(D) Monitor progress

• Ensure that the employee’s progress is properly monitored during the improvement period and maintain

appropriate records

• Have regular review meetings with the employee to provide two way feedback

**6. Procedure**

This procedure contains an informal and three Formal Stages

Informal Stage

The informal stage provides an opportunity for any concerns to be addressed prior to considering any formal action. During the discussion the line manager should outline the areas where performance is below the required standards, (with supporting evidence).

Any targets or timescales given must be reasonable, and be agreed between the Line Manager and the

employee. If an agreement cannot be reached, then it is necessary for management to set a reasonable

target/timescale for improvement. A written record (in the form of the Improvement Plan) should be kept of the meeting. This must be dated, signed and agreed by both parties as an accurate record of the meeting. The action required must be clearly set out along with the timeframes for these to be achieved. The employee’s progress should be monitored at regular intervals during the review period.

The Line Manager must discuss with the employee the consequences of failing to improve performance i.e.

moving to the formal stage of this policy.

A copy of the Improvement Plan must be given to the employee, as a true record of the meeting. Another copy should be placed in the employee’s file.

At this point, if the levels of expected performance have dropped and this is identified as arising from an ill-

health/disability related matter, then further advice in relation to this must be sought. If appropriate, any

diagnosis will form the basis of an agreed Improvement Plan designed to support the employee whilst affected by their condition. Where an employee has a disability, (if appropriate) any reasonable adjustments to the job will form part of agreed actions to assist the individual to perform to the best of their abilities.

If the required levels of performance are not achieved, then the formal procedure may commence. Where the poor performance/capability issues are more serious the Manager may consider moving straight to the formal procedure.

At the end of the review period, the Manager has the following options available to them:

• End the informal process as the required improvement has been achieved

• Extend the informal process as some improvement has been achieved but performance has not yet reached the required standard

• Progress to Stage 1 of the Formal Process as sufficient improvement has not been achieved

Stage 1 - First Written Warning

Where there has been no or insufficient improvement in performance then the manager may proceed with the formal process. The manager will arrange a meeting with the employee. At the meeting, the manager

will:

• Make clear the areas in which the individual’s performance is below expectation (explaining the

grounds/evidence for this view)

• Identify any problems or reasons for the underperformance, (if appropriate)

• Agree reasonable timeframes with the employee in which the improvement is expected

• Set an improvement plan, incorporating targets, standards, deadlines and further support, ensuring that the objectives are Specific, Measurable, Achievable, Realistic and Timely (SMART)

• Set up regular review meetings during the review period

If the employee has not met the required level of improvements, then a First Written Warning may be given for unsatisfactory performance. However, if there has been improvement in a number of the areas identified the outcome may lead to an extended timeline to be agreed rather than a warning to be issued. This will be

confirmed in writing. The First Written Warning will be placed on the employee’s file and will be disregarded after a period of 6 months.

It is important that notes are kept of all meetings, a copy of the improvement plan will be sent to the employee.

The Line Manager must discuss with the employee the consequences of failing to improve performance i.e.

moving to Stage 2 of the formal policy.

The employee’s progress will be monitored at regular intervals during the review period and prior to the next formal stage.

At the end of the review period, the Manager has the following options available to them:

• End the formal process as the required improvement has been achieved

• Extend Stage 1 as some improvement has been achieved but performance has not yet reached the required standard for example the employee has been unable to demonstrate improvement in one element of the role due to the timing of the task

• Progress to Stage 2 of the Formal Process as sufficient improvement has not been achieved

The outcome of stage 1 needs to be confirmed to the employee in writing

At each formal stage of the Capability Procedure, the employee has a right of appeal against any formal warning given.

Stage 2 - Final Written Warning

Stage 2 should follow the same process as stage 1.

At the Stage 2 meeting the Manager and employee together will review and update the improvement plan.

Alternative options should be discussed with the member of staff, such as redeployment to suitable alternative employment.

If the employee has not met the required levels of performance, then the employee may receive a Final Written Warning. This will be confirmed in writing.

The Final Written Warning will be placed on the employee’s file and will be disregarded after a period of 12

months. A copy of the improvement plan will be sent to the employee.

The Line Manager must discuss with the employee the consequences of failing to improve performance i.e.

moving to Stage 3 of the formal policy. The employee should also be reminded that, in the absence of other

suitable options, if the employee’s performance does not improve and remain at an acceptable level they may be dismissed.

Stage 3 - Final Review (Redeployment or Dismissal

Stage 3 should follow the same process as stage 1 and 2.

With the exception that, a manager more senior than the manager dealing with the current performance

concerns will be present at the meeting. Where this is not possible a Management Board Member should attend.

A possible outcome of the final review may be dismissal; the manager chairing the final review must be one who has the authority to dismiss the employee.

The letter inviting the employee to the stage 3 meeting should remind the employee that a possible outcome of the meeting is dismissal.

The Manager responsible for stage 1 and stage 2 will produce a report to be presented at the stage3 meeting setting out:

• What training and support has been/is provided to the employee to help them achieve the required standard of performance

• That suitable alternative employment has been explored and the outcome of those findings, (where this is

appropriate)

• Where the employee has failed to reach a satisfactory standard of performance.

If the Hearing Manager is satisfied that the above has been evidenced and the employee’s performance has not satisfactorily improved (taking account of the employee’s length of service, previous performance, and the extent of non-performance).

The hearing manager will:

• Confirm with the employee the action taken to date and seek their input and agreement/recognition of what has happened

• Advise the employee of the options currently under consideration following the earlier review meetings, and extensions to review periods

• The meeting should be adjourned to consider all the facts before the hearing manager reaches a final decision.

The following options are available for consideration

• Recommendations made by the Hearing Manager which may result in the employee remaining on a final

warning – stage 2 and a further review will be undertaken

• Dismiss the employee (with notice) on the grounds of capability

The hearing manager will inform the employee of their decision.

Where there are no suitable redeployment opportunities available, the employee will be advised that they are dismissed on the grounds of capability in accordance with the notice provisions in their contract of employment.

They must be advised of the outcome of stage 3 in writing They should also be advised at the end of the hearing and in writing of their right of appeal.

**7. Appeals**

An employee who wishes to appeal against any formal warning or action (including dismissal) will need to write a letter to the Company Secretary detailing the reasons they wish to appeal within 10 working days of an outcome letter being received.

A manager senior in authority to the hearing manager or Board member will hear the appeal and will not have been previously involved in the case.

Once the appeal has been heard and the employee has been informed of the decision, an outcome letter detailing the decision should be sent to the employee.

The appeal manager’s decision is final and there are no further rights of appeal under this procedure.