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Capability Manager's Toolkit

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CONTENTS

Frequently Asked Questions	1
What Does “Capability” Mean?	1
Why Is The First Stage Of The Process Informal?	1
When Is The Formal Meeting Held?.....	2
How Much Notice Is The Employee Given Of Formal Meetings?.....	2
What If The Employee Cannot Attend A Capability Meeting?	2
What Happens After The Formal Meeting?	3
What Happens At The End Of The Timescale Agreed In The Action Plan?.....	3
Is There Any Right Of Appeal Against The Decisions Of These Meetings?	4
Discussing Poor Performance – Some Tips.....	5
Minimising The Risk Of A Capability Issue Arising.....	6
Capability Flowchart	8
Template 1: Record Of Informal/Formal Meetings	11
Template 2: Action Plan	12

FREQUENTLY ASKED QUESTIONS

These questions and answers have been written to help you explain to employees the process that will be followed, should their performance need to be addressed in accordance with the Council's Capability Policy.

1. WHAT DOES "CAPABILITY" MEAN?

The term capability refers to an employee's ability to do their job to the standard required by the Council. This includes the employee's skills, knowledge and general aptitude to do the job to which they are appointed.

A capability issue arises when an employee is unable to perform their duties to the required standard. This will usually be out of their direct control because they may not have the knowledge or skills they require, or they may simply not have the aptitude for the job, for example, an employee may struggle to prioritise their workload and prioritise tasks effectively.

A capability issue does not arise when an employee does not meet the standard required in their job because of poor behaviour, or because they deliberately choose not to meet the standards required. Such issues are dealt with in accordance with the Council's Disciplinary Policy.

Likewise, a capability issue does not arise where an employee is unable to perform to the required standard in their job due to an underlying medical condition. This must be addressed using the Council's Sickness Absence Policy.

If an employee is unable to perform their duties to the required standard due to a disability, this must be dealt with by reasonable adjustment in accordance with the Disability Discrimination Act. It is not a capability issue. For further information, please refer to the Reasonable Adjustments Policy and/or contact the Equality, Diversity and Social Justice team (Telephone: 01443 424075 or email: equality@rhondda-cynon-taf.gov.uk).

2. WHY IS THE FIRST STAGE OF THE PROCESS INFORMAL?

The Council is committed to ensuring that all employees have the appropriate skills, knowledge, competence and aptitude to undertake their roles effectively. Where employees are performing below expectations, this policy sets out a structured and constructive approach to helping them to improve their performance.

Wherever possible, the Council would like to resolve capability issues as early as possible and as informally as possible. The initial stage of the process is informal to give employees who are finding it difficult to meet the required standard of performance set by the Council the support they require to do their job effectively. This may take the form of training, mentoring, supervision, coaching, changes to working practices etc.

If the capability issue cannot be resolved at this initial informal stage, then the formal stages will be initiated.

3. WHEN IS THE FORMAL MEETING HELD?

Before any formal meeting is held, the employee will have attended an informal meeting with their line manager to discuss ways of improving their performance and to discuss the support they may require to achieve the required performance level.

Where the employee's performance issue has not been resolved by the informal stage of the process, the employee will be invited to attend a formal meeting with their line manager and a HR representative. At this meeting, the individual may choose and should be actively encouraged to be represented by their trade union representative or chosen work colleague.

4. HOW MUCH NOTICE IS THE EMPLOYEE GIVEN OF FORMAL MEETINGS?

Notice of formal meetings will be provided in writing with at least 5 working days notice.

5. WHAT IF THE EMPLOYEE CANNOT ATTEND A CAPABILITY MEETING?

The employee should notify their line manager and HR representative immediately if they are unable to attend a capability meeting and provide full reasons for their non attendance, or if their trade union representative or chosen work colleague is unable to attend.

In these cases, the meeting should be rescheduled for no later than 5 working days after the original date.

If the employee is unable to attend the rescheduled meeting it will proceed in their absence. In such circumstances, the employee's representative will present the case on their behalf. Any written submission from the employee will be considered at this meeting.

6. WHAT HAPPENS AFTER THE FORMAL MEETING?

Following the formal meeting, the employee will receive a letter from their line manager setting out:

- The areas of their performance where improvement is required
- The level of improvement required and/or standard to be achieved
- Measures that will be made available to the employee to help them achieve this level of performance e.g. training, provision of equipment, changes to working practices etc
- Any other appropriate action to be taken by the manager to help resolve this situation e.g. coaching, mentoring, additional supervision
- Notification of the consequences if performance does not reach the required level within the agreed timeframe

7. WHAT HAPPENS AT THE END OF THE TIMESCALE AGREED IN THE ACTION PLAN?

After both the informal and formal meetings, the employee will be invited to attend a review meeting to discuss progress against the objectives set in the action plan.

Where the employee's performance has improved to a satisfactory level, the employee will be informed of this, the action plan will be signed off and written confirmation of the outcome will be sent out to the employee by the HR representative. A copy of this letter will be placed on the employee's personal file. It should be noted that it is the responsibility of the employee to maintain this level of performance without the need for close supervision or personal action plans beyond the "capability process".

Where the employee's performance has not improved to a satisfactory level, the line manager will decide whether to extend the review period (this will usually be the case where significant improvement has been made, but further improvement is required) or whether to take further formal action. Again, the line manager will discuss this with the employee during the meeting and written notification of the outcome will be sent to the employee by their HR representative. A copy of this letter will be placed on the employee's personal file.

8. IS THERE ANY RIGHT OF APPEAL AGAINST THE DECISIONS OF THESE MEETINGS?

There is no right of appeal against the capability process itself and the employee may only appeal against the decision of the capability hearing, which is the final stage of the process.

Where the outcome of the hearing results in a decision to dismiss on grounds of capability, the employee must be advised that they have the right to appeal and, should they wish to exercise this right, they should write to the Director of Human Resources within 5 working days of receipt of the letter confirming the decision.

DISCUSSING POOR PERFORMANCE – SOME TIPS

Conducting a meeting with an employee to discuss unsatisfactory performance is never an easy task and it is understandable that a manager may have doubts and worries over such a meeting. Open, honest and unambiguous communication will be essential if such a meeting is to result in the required outcome.

In terms of communication skills, the manager should:

- Stick to the facts and avoid expressing their personal opinions.
- Be specific, avoiding vague statements.
- Avoid generalisations, for example, “you always miss deadlines”.
- Ask open questions that will encourage the individual to respond and give you the information you need.
- Actively listen to what the individual has to say and take it into consideration when deciding next steps.
- Ensure the tone you use is neutral rather than accusatory.
- Use positive words such as “improvement” and “achievement”, rather than negative words such as “failure” or “weakness”.
- Focus the discussion on future improvement rather than on past inadequacies.
- Always check the individual understands the conversation, for example, by asking the individual to summarise his or her understanding of what has been discussed.

The table below illustrates some of the points above.

Try to avoid saying.....	Try to say instead.....
You're always making mistakes	There are three mistakes in this piece of work
You tend to shout at people	I noticed at last week's meeting that you shouted aggressively at Jim when he.....
You're hopeless – you never meet your deadlines	You've missed the monthly deadline three times this year. Each time you've missed it by at least two days
You're very aggressive	I appreciate that you may not realise this, but sometimes your tone and manner come across to others as aggressive. For example....
Your work is not up to scratch. You'll have to pull your socks up	This piece of work falls short of the standard we require because.... and you need to do.....to reach the required level.
I can't ever rely on you to complete a piece of work	I am aware that you have not completed....

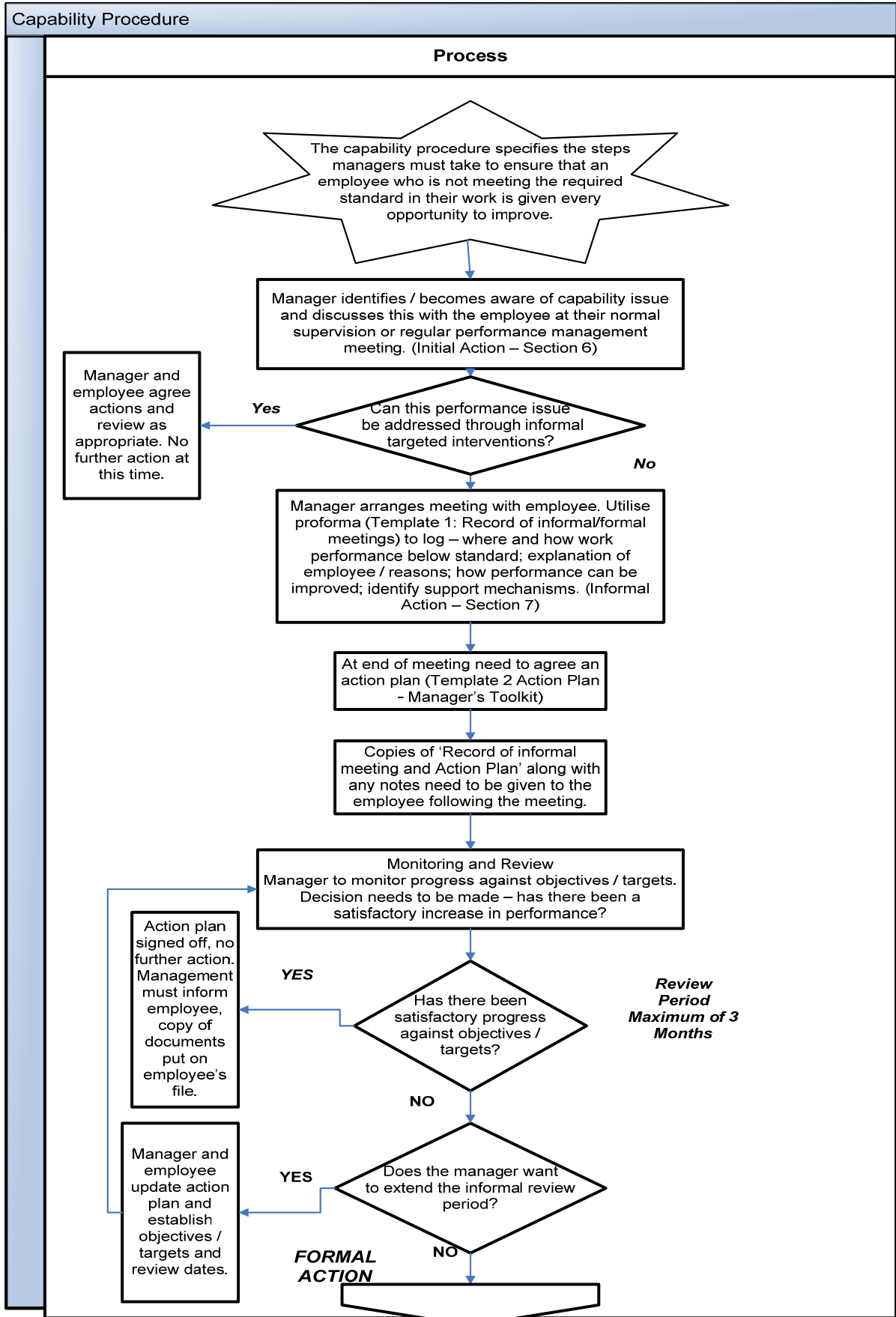
MINIMISING THE RISK OF A CAPABILITY ISSUE ARISING

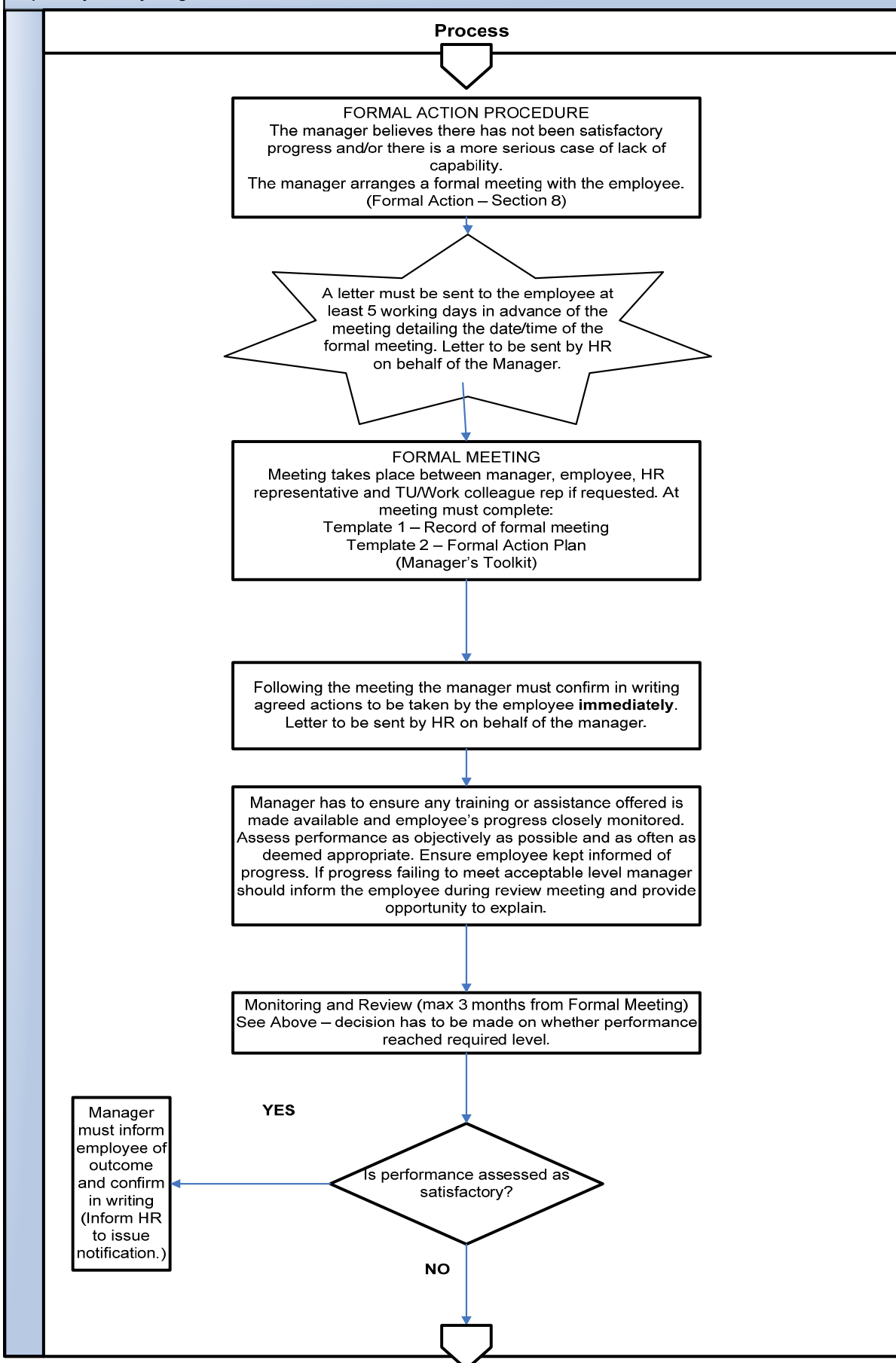
To minimise the risk of a capability issue arising in the first instance, you may wish to consider the following:

- Job descriptions accurately convey the main purpose, scope and tasks of the job and are up to date and relevant to the requirements of the job.
- Person specifications are drawn from the Council's competency framework which, in turn, are clearly related to job descriptions and specify objective, measurable criteria; these should form the basis for recruitment, selection and performance assessment processes and decisions.
- Recruitment and selection is thorough; to ensure that only those with the necessary skills and abilities to do the job are appointed. (Where selection interviewing and pre-employment testing is not seen as the sole methods of selection, monitoring performance from the outset of the employment is even more important).
- Standards of work performance are set and effective arrangements are in place for the proper training and supervision of employees.
- New appointees receive induction training and are aware of the conditions attached to any probationary period.
- Work performance is carefully monitored in the first few months of any appointment/during the employee's probationary period, to pick up on any specific training or development need, and to check that performance is developing as expected.
- Training and development opportunities appropriate to the requirements of the job and the needs of the employee are provided.
- The standard of work required is explained to the employee, so that they know what is expected of them and know to whom they are directly responsible.
- Performance is discussed openly, honestly and regularly with each employee individually, so that they are aware of how they are doing.
- The consequences of any failure to meet the required standard are fully explained to the employee.
- Following promotion or redeployment, the employee is made aware of the required standard of performance of the new post and given any necessary further training and development.
- Where standards change because of a Council or management decision, such as the introduction of a new computer-based system, the employee is informed, trained as required and made fully aware of his/her new obligations and the standard required.
- The workloads are manageable and resources sufficient to ensure acceptable levels of performance.

- Young people entering employment for the first time are given a general introduction to their working life, including a basic training in related skills, in addition to specific training in their particular job.
- The needs of a disabled employee are met prior to setting performance targets, that appropriate advice is sought, and any adjustments which may overcome potential difficulties are considered. This may include providing instructions and information on standards and targets in alternative formats, where necessary (Disability Discrimination Act 1995 Part III).
- Special attention is given to ensuring that instructions, standards and targets are understood by employees for whom English may not be their first language.

CAPABILITY FLOWCHART





Process

Manager refers to the Chief Officer for a Formal Hearing (Referral to Chief Officer – Section 10)

The manager must provide the Chief Officer with the following details:

- The area where the employee has failed to meet the required performance standards
- The consequences, for the immediate service area, of the employee's under performance
 - Action already taken to assist the employee

The Chief Officer will arrange a hearing and the employee will be informed in writing, with not less than 5 working days notice, of:

- Date and time of hearing
- Purpose of hearing
- Right to be represented
- Possible outcomes

Full details of Capability Hearing can be found in Appendix 1

Where the outcome of the hearing results in a decision to dismiss on grounds of capability, the employee must be informed that they have the right to appeal. Full details in Appendix 1, including time scales.

If the employee chooses to Appeal, an Appeal Hearing will take place (See Appendix 3)

TEMPLATE 1: RECORD OF INFORMAL/FORMAL MEETINGS

Employee Name: _____ **Division:** _____

Line Manager: _____ **Date:** _____

Record of informal/formal meeting
Please state reasons why required standard of performance has not been met. <i>(Wherever possible, please give specific examples of situations where performance has not been met and/or factual information that indicates underperformance e.g. actual performance versus target performance).</i>
Briefly describe employee's reasons for not meeting required standard of performance.
Identify improvements necessary to meet required standard of performance and timescales within which such improvements are expected. <i>(Timescales must be reasonable in length, depending on the nature of the job. This may range from a couple of days where the task is relatively simple to several weeks where the job is complex and improvements cannot be assessed over a short period).</i>
Identify support mechanisms to be provided to enable employee to meet required standard of performance. <i>(Support mechanisms may include, for example, training, supervision, changes in working arrangements or practices, provision of equipment or facilities etc)</i>

Signed by:
Employee: _____ **Line Manager:** _____

TEMPLATE 2: ACTION PLAN

Employee name:	
Line Manager:	
Service Area:	
Date of meeting to formulate action plan:	
Date of implementation of plan:	
Date of review of plan: <i>(Review date must be held within 3 months of this initial meeting)</i>	
Dates of interim one to one meetings to monitor progress:	

Objective to improve performance <i>(Objectives should be SMART, that is, Specific, Measurable, Achievable, Realistic and Time based)</i>	Timescale	Support to be provided <i>(e.g. coaching, training, provision of specific equipment, mentoring etc)</i>	Review feedback

Further action required following review meeting:

Signed by:

Employee: _____

Line Manager: _____

Date: _____