

Telford Mind Work Capability Procedure

In this document 'member of staff' means paid and unpaid staff.

Purpose

The procedure which applies to all Telford Mind staff is designed to deal with those cases where the member of staff is lacking in some area of knowledge, skill or ability, resulting in a failure to be able to carry out the required duties to an acceptable standard. It is to be used where there is a genuine lack of capability, rather than a deliberate failure on the part of that person to perform to the standards of which they are capable (for which use of the disciplinary procedure is appropriate).

A genuine lack of capability may have been present for some time or may have come about more recently due for example to a change of job role, job content or personal factors affecting the individual's performance.

The procedure seeks to:

Assist the member of staff to improve their performance, wherever possible, when such deficiencies exist.

Provide a firm but fair and consistent means of dealing with capability problems, without using the disciplinary procedure.

Provide a means of solving incapability problems where improvement in the current job is not possible.

Informal Assistance

There is nothing in the procedure to prevent the normal process of supervisory control whereby line managers allocate work, monitor performance, draw attention to errors and poor quality and highlight work done well. This may include informal assistance in achieving improvement. Such methods are not part of the formal

capability procedure and therefore formal interviews and representation are not appropriate to this process. Line managers should maintain personal notes of difficulties encountered, assistance given and any remedial actions taken for future reference in case formal action is required. The member of staff is entitled to have a copy of any such notes.

Representation

At all stages of the formal procedure the member of staff is entitled to have a representative present. Such representative may be a fellow employee or Trade Union Representative. It will be made clear in advance to the member of staff (paid or unpaid) and his / her representative, (should he / she exercise their option to have a representative) that the capability rather than the disciplinary procedure is being used. If at any stage a Line Manager has reason to believe that the non-capability is due to poor conduct or lack of effort on the part of the employee the process will cease and the relevant alternative procedure will apply.

Formal Procedure

Stage 1 – Formal Review

Where a member of staff is failing to perform to an acceptable standard despite having been given informal guidance and assistance, a formal review session (giving at least 24 hours notice) will be arranged with the line manager. During this review he / she will be advised clearly of the deficiencies which have been identified and precisely of the improvement in work standard which is required

(together with the possible consequences of non-compliance). There will be an opportunity for the member of staff to answer the points raised and to explain any difficulties which they may be having and a discussion will take place to agree the means by which the desired improvement is to be achieved. Possibilities could include:

Training - either internal or external

Working under closer supervision for an agreed period of time

Agreed changes in duties, either permanently or for an agreed period of time.

The conclusions from the review session will be formally recorded in writing with a copy for the member of staff. Reasonable timescales for improvement will be set with monitoring during the period and a review meeting at the end. If the desired improvement has been achieved this will be recorded in writing and a copy will be provided to the member of staff. No further action will be taken.

If the desired improvement is not reached then the next stage of the formal procedure will be taken.

Stage 2 – Formal Warning

Where a member of staff has failed to perform to the desired improvement requirements the employee will be advised of the continued deficiencies by the line manager at the review meeting. The remedial measures previously agreed will also be reviewed and there will be a discussion as to whether they should continue or if additional measures are required. He / she, again will be offered the right to answer the points made and explain their problems. The review meeting will be followed up by a formal letter setting out the continued deficiencies, the expected improvement and timescales for achieving it and identifying any further assistance to be provided. Regular monitoring will take place. At the end of the period a further review meeting will take place and if the required improvement has been achieved no further action will be required. If however the member of staff is still not achieving the desired improvement then the next stage of the formal procedure will be taken.

Stage 3 – Resolution

Where an employee has continued to fail to perform to the desired improvement requirements the line manager will discuss permanent redeployment options with the employee, should the employee be agreeable. This may be particularly appropriate for a member of staff who has not been able to cope with a promotion but was satisfactory in the previous job. If this is an agreed possibility then options to revert back will be discussed with the employee. Should there be no agreement to redeployment opportunities within the organisation then the organisation may consider terminating the member of staff's contract of employment or voluntary agreement on the grounds of capability.

Appeals

The member of staff has the right to appeal at stages 1, 2 and 3 of the formal procedure. If the employee wishes to exercise this right the Appeal should be made in writing within 5 days addressed to the Chair of Telford Mind. Appeals must state in detail the reasons for the appeal. Where practically possible an appeal hearing will be convened within 10 days of receipt of the Appeal letter.

Signed:

Date: / /